

Arizona State Parks

Statewide OHV Program Project Funding

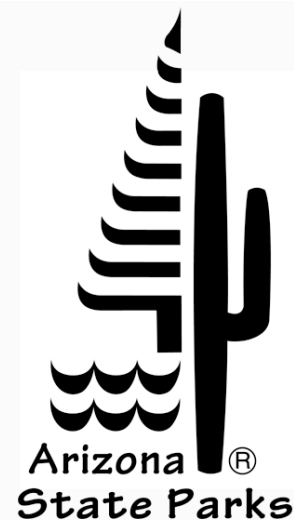
FY 2012 Grant Application Manual

Application Deadline

Applications must be received at:

Arizona State Parks
Partnership Division
Grants Section
1300 W. Washington
Phoenix, AZ 85007

No later than:
Friday, March 16, 2012
By 5:00 p.m.



This manual supersedes all previous manuals.



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This publication was prepared under the authority of the Arizona State Parks Board. It is available in alternative format by contacting the ADA Coordinator at (602) 364-0632.

January 2012

**Off-Highway Vehicle Advisory Group
(OHVAG)**

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Arizona Off-Highway Vehicle Recreation Program Mission Statement:

The mission of the Arizona Off-Highway Vehicle Recreation Program is to develop and enhance statewide off-highway vehicle recreation opportunities, and develop educational programs that promote resource protection, social responsibility, and interagency cooperation.

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INTRODUCTION

This manual provides guidance in completing the 2012 Statewide Off-Highway Vehicle Program grant application. The Arizona State Parks grant administration staff is available to provide assistance throughout the application process. Contacting staff will save time and result in a more comprehensive application that will help secure the financial assistance needed for your motorized recreation project.

Arizona State Parks Grants Coordinator – Robert Baldwin
602.542.7130 – rbb2@azstateparks.gov

PROGRAM INFORMATION

The Statewide OHV Recreation Program is administered by State Parks staff under the direction of the Arizona State Parks Board, with the assistance of the Off-Highway Vehicle Advisory Group (OHVAG). The Board directed the OHVAG to establish funding priorities and evaluation elements that reflect the high priority needs of motorized trail users. Criteria to evaluate and fund project applications are consistent with the priorities established in the Arizona Trails 2010 Plan and the state OHV statute (A.R.S. §28-1176), and with the mission of the OHV Program:

“to develop and enhance statewide off-highway vehicle recreational opportunities, and develop educational programs that promote resource protection, social responsibility, and interagency cooperation.”

Applicants are encouraged to assess motorized trail recreation needs within their jurisdiction and submit applications that reflect, to the extent possible, priorities set forth in the State Trails Plan. The Statewide OHV Program encourages motorized trail enthusiasts and land managers to work together to identify and provide a wide variety of recreational trail opportunities.

SOURCE OF FUNDS

STATE OF ARIZONA

Off-Highway Vehicle Recreation Fund

The Off-Highway Vehicle Recreation Fund (Fund) (A.R.S. §28-1176) has been in existence since 1991. The Arizona Legislature appropriated .55% of state's annual vehicle gas tax revenue to support the Fund. In 2009 new OHV legislation was enacted to provide more regulation of OHV usage and additional funds to support law enforcement and facility development. All vehicles weighing less than 1800 pounds and designed primarily for travel over unimproved terrain are required to display an indicia (sticker) distributed through the Department of Motor Vehicles. The \$25 cost of the sticker is added to the OHV Recreation Fund. State Parks receives 60% of the money in the Fund and the State Parks Board is required to examine applications for eligible projects and determine the amount of funding, if any, for each project.

The Statewide OHV Program is eligible to receive support from this Fund under the following requirements of the OHV legislation:

A.R.S. §28-1176 (E): The Arizona State Parks Board shall spend sixty percent of the monies in the off-highway vehicle recreation fund for the following purposes:

3. To designate, construct, maintain, renovate, repair or connect off-highway vehicle routes and trails and to designate, manage and acquire land for access roads, off-highway vehicle recreation facilities and off-highway vehicle use areas. After expenditures pursuant to paragraph 1 of this subsection, the Arizona state parks board shall not spend more than thirty-five per cent of the remaining monies received pursuant to this subsection for construction of new off-highway vehicle trails.

4. For enforcement of off-highway vehicle laws.

5. For off-highway vehicle related informational and environmental education programs, information,

signage, maps and responsible use programs.

6. For the mitigation of damages to land, revegetation and the prevention and restoration of damages to natural and cultural resources, including the closure of existing access roads, off-highway vehicle use areas and off-highway vehicle routes and trails.

7. For necessary environmental, historical and cultural clearance or compliance activities.

F. The allocation of the monies in subsection E, paragraphs 3 through 7 of this section and the percentages allocated to each of the purposes prescribed in subsection E, paragraphs 3 through 7 of this section shall be based on an off-highway vehicle recreational plan.

G. Monies in the off-highway vehicle recreation fund shall not be used to construct new off-highway vehicle trails or routes on environmentally or culturally sensitive land unless the appropriate land management agency determines that certain new trail construction would benefit or protect cultural or sensitive sites. For the purposes of this subsection, "environmentally or culturally sensitive land" means areas of lands that are either:

1. Administratively or legislatively designated by the federal government as any of the following:

(a) A national monument.

(b) An area of critical environmental concern.

(c) A conservation area.

(d) An inventoried roadless area.

2. Determined by the applicable land management agency to contain significant natural or cultural resources or values.

H. The Arizona state parks board shall examine applications for eligible projects and determine the amount of funding, if any, for each project. In determining the amount of monies for eligible projects, the Arizona state parks board shall give preference to applications for projects with mitigation efforts and for projects that encompass a large number of purposes described in subsection E, paragraphs 3 through 7 of this section.

THE FEDERAL HIGHWAY ADMINISTRATION

Recreational Trails Program (RTP)

The 109th Congress enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). It authorizes the Recreational Trails Program (from 2005-2009) as a Federal-aid program, and codifies it in Federal statutes under section 206 of title 23, United States Code (23 U.S.C. 206). The program provides funds for all kinds of recreational trail uses, such as pedestrian uses (hiking, running, wheelchair use), bicycling, in-line skating, equestrian use, cross-country skiing, snow-mobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles. Each state develops its own procedures to solicit projects from applicants, and to select projects for funding, in response to motorized recreational trail needs within the state. This program has received funding since 2009 at the 2009 level under continuing resolutions of Congress.

Arizona State Parks is the agency responsible for administering RTP funds in Arizona. Forty-four percent (44%) of Arizona's RTP funds are available for motorized trails projects, while another forty-four percent is available for non-motorized trail purposes. For the Motorized portion of these funds, Arizona's competitive grant program provides funds for motorized trail uses including: snow-mobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, support facilities, and user information such as maps and brochures containing safety and environmental protection messages.

Funding from the RTP requires a National Environmental Policy Act (NEPA) assessment and matching funds.

Available Funds / Funding Cap

The state Off-Highway Vehicle Recreation Fund is made up of two components: revenue from gasoline taxes computed at .55% of all state gasoline taxes received, and revenue from the sale of a vehicle indicia (sticker) required by vehicles designed primarily for use off of paved surfaces and with a gross vehicular weight less than 1800 pounds. State Parks receives deposits monthly. The anticipated revenue available to fund projects at the end of April 2012 is:

OHV RECREATION FUND

\$1.8 M (approximate)

The Recreational Trails Program is part of the federal transportation bill appropriated by Congress from federal gasoline taxes. Arizona has been receiving funding consistently since 1999 and 44% of the yearly allocation can be used for motorized projects. The balance available for obligation is:

RECREATIONAL TRAILS PROGRAM

\$1.6 M (approximate)

PROJECT FUNDING CAP IS \$500,000.

Program Matching Requirement

Project sponsors are encouraged to demonstrate a commitment to their project by providing funds to supplement the requested grant amount. There are no matching requirements for the state OHV Recreation Fund and staff may recommend a combination of funding to meet the requirements of the RTP and enhance the effectiveness of the state funds. **However, applicants requesting more than \$300,000 in grant funds must equally match any grant funds over that amount.**

RTP funds can be used to fund a maximum of 90% of the total project cost. At least 5% of the total project cost must come from a non-federal source. The remaining 5% of the total project cost can come from other federal sources. Other guidance for matching funds is available on Page 49.

Project sponsors who provide match will receive BONUS POINTS in Section 2, Category 4A of the Project Scoring Criteria.

PROJECT FUNDING TIMELINE

February 9, 2012 – State Parks staff will conduct a grant application workshop. The purpose of the workshop is for State Parks staff to meet potential grant applicants, discuss the application process and forms, and establish a continuing relationship with the applicants to assist them through the application process.

March 16, 2012 – Grant applications and required documents must be delivered to the State Parks office by 5pm. The applications will be reviewed for completeness and within one week applicants will receive notice of the status of the application.

April 6, 2012 – The Off-Highway Vehicle Advisory Group will review and score the grants and select projects for funding.

April 2012 – State Parks staff will send a Project Agreement to each successful applicant. This is a legal contract between the grantee and State Parks identifying the conditions upon which the funds are being given to the grantee. The grantee should have the agreement reviewed by legal counsel.

May 2012 – The grantee must return two signed originals and the Request for Reimbursement (advance of state OHV Recreation Fund only) by the due date in the letter accompanying the Project Agreement (45 days). The agreement will be executed by State Parks and advance funds will be disbursed to the grantee.

The grants coordinator is available to discuss the application process and forms and establish a continuing relationship with the applicants to assist them through the application process.

ELIGIBILITY

Eligible Applicants – Entities & Organizations

Governmental entities are eligible to apply for OHV project grants. Entities include cities, towns, counties, tribal governments, state and federal agencies and are defined

as a governmental body with a responsibility to provide OHV recreation related opportunities to the public and that meets the following criteria:

- independent governing authority;
- independent signature authority; and
- independent authority to commit funds.

An entity may submit applications for multiple projects in any given year. An entity may need to present a signed resolution authorizing the application for an OHV Program project grant.

Organizations, clubs, businesses, and any groups (hereafter referred to as “organizations”) that can meet the terms of the grant program and enter into a project agreement are eligible applicants.

Eligible Project Work

All proposed improvements must meet the requirements of the state OHV statute and/or the RTP Program Guidance. All potential applicants are highly encouraged to contact the grant program coordinator to discuss their proposed project. Through discussion with the grant program coordinator the applicant can be assured that the proposed actions will meet the intent of the program. Grant staff follows the most recent Recreational Trails Program Guidance issued by FHWA Trails and Enhancements Program Manager to determine eligibility for any scope item or its components, if RTP funding is used.

Eligible project work includes:

- development, construction, and enhancement of OHV recreational facilities, use areas and trails (for example, trailheads, restrooms, access improvements, signing, picnic areas);
- mitigation -- defined as rectifying or reducing existing damage to natural (flora, fauna, and land) or cultural (prehistoric or historic archaeological sites) resources caused by off-highway vehicles;
- prevention of damage to natural or cultural resources;
- development and dissemination of OHV-related user information;
- acquisition or lease of future trail alignments or areas for OHV recreation; and
- renovation – defined as the redesign, reconstruction, non-routine maintenance, or relocation of recreational trails to benefit the natural environment or to mitigate and minimize the impact on the natural environment. Other reasons for renovation may include erosion and deterioration, improper original alignment, improper design, safety-related issues due to hazardous conditions, and natural disasters.

Revegetation is defined as the process of returning terrain to its natural state. This can include repair and conditioning of the ground; boxing and transplanting native trees, bushes, shrubs, and cacti; and the purchase and use of native grass and flower seed. Natural habitat should not require permanent irrigation. **Landscaping** is defined as the addition of trees, bushes, shrubs, cacti, grass, flowers, or rock to enhance an area and irrigation needed to support the landscaping. Landscaping and irrigation are not eligible scope items.

Development of local or regional plans is not eligible for funding. Funds cannot be used for administrative or overhead costs, or costs associated with application preparation. Costs incurred prior to Board Action and FHWA Authorization, including those associated with design and engineering or cultural/environmental/archeological assessments are not eligible for reimbursement. Design and engineering costs incurred after the project agreement is executed are limited to 10% of the awarded grant amount.

NOTE: The project sponsor is encouraged to contact the State Parks grant staff during the project planning process to resolve eligibility issues.

COMPLETING THE APPLICATION PROCESS

The grant application process consists of two parts. Both parts are equally important and must be completed accurately to insure that the application will be eligible and considered for funding.

Part I consists of the forms (A through E) required to make the application eligible.

Part II includes the “criteria and project description forms” (F through I) that define the project based on the priority needs identified in the 2010 State Trails Plan and OHV statute. The Statewide OHV Program grant process is competitive. Applications will be considered according to the number of points received, where the highest number of points will be considered for funding first. Projects that accomplish the high priority needs identified in the FY 2010 Arizona Trails – Statewide Motorized and Nonmotorized Trails Plan have the potential to score more points than projects that accomplish lesser priority needs. The components of the project as explained on the “criteria forms” will determine the score for the application. The applicant will use the forms described in items F - I to explain what the proposed project will accomplish and how the project funds will be used. It is important to carefully read the instructions to understand what is expected in the forms.

PART I: REQUIRED FORMS FOR ELIGIBILITY

Following is a list of the application forms with requirements to meet eligibility. A description of each form with instructions for completing the form will follow this section. The **Required Forms Checklist and blank forms begin on page 60**. You may copy the forms from the appendix and complete them manually. OR, forms will be emailed to you in Word format by request to the program coordinator, Robert Baldwin, rbb2@azstateparks.gov.

State Parks staff is available to consult with applicants throughout the process and will comment on draft responses if provided sufficiently prior to the due date. You may email the program coordinator, Robert Baldwin at rbb2@azstateparks.gov.

A. FY 2012 Statewide OHV Program Grant Application Form (p. 61)

Things to consider when completing the Grant Application Form:

- The individual authorized by the Resolution must sign the grant application.
- The applicant must be an eligible entity to apply for the grant (see p. 4).
- The entire scope of work must be eligible (see p. 5).
- The matching funds certified in the resolution must meet the program requirement (see p. 4).

Organization Applicants must provide the following at the time of application:

- Authority to Apply - this is a statement from the governing body of the organization stating the organization has met and discussed the Statewide OHV Program and the proposed project in a properly scheduled meeting and the organization supports the mission of the OHV Program and will commit the necessary resources to the completion of the proposed project and has authorized the organization to apply for this grant.
- Organization By-Laws and/or Statements of goals and objectives of the applicant organization.
- Previous two year's operating budgets or records of income and expenditures and a recent bank statement verifying reasonable funds available to meet budget needs.
- Articles of Incorporation, 501c(3) certification, if appropriate.
- IRS determination letter evidencing tax status as of December 31, 2011 (most recent available), if applicable.
- Two most recent annual reports to the Arizona Corporation Commission, or equivalent tribal commission report(s) if incorporated under tribal law, if appropriate.

NOTE: An organization making improvements on property in the control of an entity must submit a document identifying that authority has been received from that entity to make the proposed improvements.

- *The document may be as simple as a letter on agency letterhead, but it must state the following:*
- *The entity must state that the proposed project addresses a need or condition acknowledged as a high priority by the entity and organization.*
- *The entity must state that the organization has the support of the entity and authority to access the project site and implement the proposed improvements.*
- *The entity and the organization must agree that the improvements become the property of the entity and that the entity will maintain the improvements in a condition suitable and available for safe public use for a period of time commensurate with the cost of the improvement to reasonably justify the investment of grant funds.*
- *The entity must advise State Parks of any proposed changes in the use of the developed property.*

Completing the Grant Application Form (p. 61)

All information must be typed. Questions regarding form completion are to be directed to the Recreational Trails Grants Coordinator, Arizona State Parks.

1. **Project Sponsor Name:** Enter the name of the eligible entity / organization submitting the grant application.
2. **Project Sponsor Address:** Enter the official mailing address of the entity / organization.
3. **Project Contact:** Enter the name, title, telephone number, fax number, and email address of the individual who will have the day-to-day responsibility for the project.
4. **Third Party:** If the project sponsor is developing the project in cooperation with a third party, enter the name of the cooperating entity / organization.
5. **Third Party Address:** Indicate the official address for any third party entity / organization listed in Item 4 to which communications and correspondence should be directed.
6. **Third Party Contact:** Enter the name, title, telephone number, fax number, and email address of the individual associated with the third party entity / organization, who will have the day-to-day responsibility for the project.
7. **Project Title:** Enter the title of the proposed project incorporating the affected site and the essence of work to be accomplished (e.g. "Rugged Hill OHV Trailhead Development" or "Crooked Spine OHV Trail Renovation"). Limit the title to 40 characters or less.
8. **U.S. Congressional District:** Enter the number of the U.S. Congressional district(s) in which the project site is located. Contact your county recorder if you need assistance.
9. **State Legislative District:** Enter the number of the State Legislative District(s) in which the project site is located. Contact your county recorder if you need assistance.
10. **County:** Enter the name of the county(s) in which the project is located.
11. **Brief Description of the Project:** Summarize the project proposal. Describe the scope and nature of what is to be accomplished. Indicate the types of proposed improvements to be developed or parcels to be acquired and the location and name of each site involved. A sample acquisition and development project description follows:

Sample Acquisition/Development Project

This project proposes the purchase of eight (8) parcels of land comprising 93 acres for construction of an off-highway vehicle loop trail to be located near the Town of Blue River. The trail, when developed, will provide opportunities for trailbikes, ATV's, and snowmobile use. Support facilities including restrooms and ramadas will be installed to accommodate the trail users. Trail signs and kiosks will display trail information, safety, and environmental messages.

NOTE: *In some cases, it will be advantageous to acquire a specific piece of land while it is still available and undeveloped, although development may not be planned for some years and little or no public off-highway vehicle use is envisioned in the interim. If this is the case, the description must include information on why the acquisition is necessary, when development will take place, and what the site will be used for during the interim period of time.*

Sample Development Project

This project involves the development of a 50-mile-long trail in accordance with an adopted OHV management plan for the Blue Peak Ranger District, Red Dog National Forest. This trail will provide a corridor between a motorized trails staging area and Blue Peak. The trail will provide motorized and multiple recreational uses. The amount of \$9,500 will be claimed as costs for engineering and architectural services.

NOTE: *If design and engineering costs are to be claimed, they must be reflected on the Estimated Project Cost Sheet and may not exceed 10% of the awarded grant amount. Design and engineering costs are subject to Arizona State Parks' review for eligibility.*

12. Project Funding:

Grant Request -- Enter the amount of the request for grant funds.

Match Amount -- Enter the amount for which the project sponsor will be responsible.

Total Project Cost -- Enter the total cost of the proposed project, which equals the grant request amounts plus the match amount. These figures must mirror the figures provided on the Estimated Project Cost Sheet, Cost Breakdown Sheets, and the Resolution/Authority to Apply.

- 13. Certification & Authorized Signature:** The certified application form **MUST** be signed and dated by the individual authorized to act on behalf of the applicant entity / organization in conducting all official business related to the project (same person as specified in applicant's resolution/authority to apply for application). Please type the signer's name and title below the signature.

B. Applicant Resolution/Authority to Apply (p. 62-68)

The application must include certification of the correct amount of matching funds and must meet the requirements as outlined in the manual.

Completing the Application Resolution / Authority to Apply

Federal, Tribal, or Arizona State Land Department Applicants must submit a letter that clearly states the applicant has the authority to apply for Statewide OHV Program funds. This letter must address the same issues as are addressed in the **SAMPLE LETTER RE: CONTROL AND TENURE / APPLICATION TO APPLY** provided (page 61) and the letter must be printed on agency letterhead and be signed by an appropriate official authorized to commit funds.

Applicants in this group can satisfy the Control and Tenure requirements of the application process by incorporating in their letter an appropriate statement addressing the applicant's intent to use the land under its stewardship for the purpose expressed in this application. The **SAMPLE LETTER provided on page 62** may be edited as needed by the applying entity. If altered, it is essential that all conditions in the sample document are addressed in the document submitted with this application.

THE SIGNED LETTER MUST BE SUBMITTED WITH THE APPLICATION BY THE APPLICATION DUE DATE.

NOTE: The person identified in the letter who conducts all negotiations and executes and submits all documents **MUST** provide documentation if other persons will be allowed to assume these responsibilities at any time during the development period of the grant.

Non-Federal Entity Applicants must include a resolution certifying authority to apply for Statewide OHV Program funding to be eligible for funding consideration (e.g., *the Resolution must identify the source and amount of matching funds, including donations*). A Sample Resolution is provided on page 63-64. **All applicants MUST incorporate items 1 through 6 from the sample resolution in their resolution and it MUST be signed by the appropriate official authorized to commit funds.**

NOTE: A draft resolution may be submitted with the application. The final resolution must be provided before the Project Agreement can be signed. The application will be ineligible if the resolution is not submitted by the due date. The person identified in the resolution (see Sample Resolution: Item 6) who conducts all negotiations and executes and submits all documents **MUST** provide documentation if other persons will be allowed to assume these responsibilities at any time during the development period of the grant.

Organization Applicants must submit the appropriate letter or document indicating that the governing authority of the organization has reviewed the guidelines for the Statewide OHV Program and the particulars of the proposed project and approve the application. (Pages 66-68) Also, the verification documents listed on page 65.

C. Control & Tenure Documents (p. 62)

Things to consider when completing the Control & Tenure Documents:

- The application must include the appropriate documentation to demonstrate Control & Tenure of the property (e.g., a lease, special use agreement, title or deed).
- The Control & Tenure documents must state a valid term of at least 25 years with 20 years remaining at the time of application submittal.
- Include a copy of the Title Insurance for all parcels with the application. (*In lieu of title insurance, the applicant must provide a title opinion signed by their legal representative indicating all parcels are unencumbered.*)

Completing the Evidence of Control and Tenure Form (p. 62)

Grant recipients are responsible for operation and maintenance of fund-assisted facilities or equipment and retention of land acquisitions according to the Term of Public Use established in the Project Agreement – Attachment A. The default Term of Public Use is 25 years for facilities (real property) and 99 years for acquired land.

At the time of application, the applicant **MUST** submit documentation to demonstrate the control (i.e., deed, lease, easement, etc.) and tenure (i.e., 25 years, 50 years, etc.) of the land where the project site is located. OR, the applicant **MUST** include the acquisition of the proposed site in the scope of the proposed project.

NOTE: An organization making improvements on property in the control of an entity must submit a document identifying that authority has been received from that entity to make the proposed improvements.

- *The document may be as simple as a letter on agency letterhead, but it must state the following:*
- *The entity must state that the proposed project addresses a need or condition acknowledged as a high priority by the entity and organization.*
- *The entity must state that the organization has the support of the entity and authority to access the project site and implement the proposed improvements.*
- *The entity and the organization must agree that the improvements become the property of the entity and that the entity will maintain the improvements in a condition suitable and available for safe public use for a period of time commensurate with the cost of the improvement to reasonably justify the investment of grant funds.*
- *The entity must advise State Parks of any proposed changes in the use of the developed property.*

For a development project, the applicant who IS NOT A FEDERAL, TRIBAL, OR STATE ENTITY must include copies of the document which evidences control and tenure of the proposed project site. Evidence of control and tenure can be shown by submitting copies of the required documents listed in either #1A or #2 below.

1A. **Title or Deed** -- If the land proposed for development is owned by a municipal or county applicant, all of the following must be submitted with the application:

- copy of the recorded title or deed
- legal description of the deed with an attached map
- updated copy of title insurance for the property (no older than one year).

In lieu of title insurance, a "title opinion" from the applicant's legal representative may be submitted. This opinion will certify that the title is vested in the applicant and there are no outstanding liens or encumbrances imposed against the property which would adversely affect the proposed development.

1B. **Title or Deed** -- If the land proposed for development is owned by a Forest Service, Bureau of Land Management, Arizona Tribal Governments, or Arizona State Land Department applicant, the applicant must provide the suggested Control & Tenure letter stating that:

"All improvements proposed in this grant application are compatible with the approved land use plan of the applicant and will be constructed on land that is within the boundaries of and under the management of applicant. These lands are not classified or have been identified as base-for-exchange and will be available for public use for the term of this agreement." (See sample letter page 62.)

2. **Leases, Easements, Permits, or Special Use Agreements** -- Lands not owned by the applicant may be developed with grant assistance if provisions exist in a lease or use agreement. The lease, permit, or special use agreement must adequately safeguard the long-term use of the land for public recreation.

AN APPLICATION WILL BE CONSIDERED INELIGIBLE IF AN EXISTING LEASE OR SPECIAL USE AGREEMENT IS NOT INCLUDED IN THE APPLICATION.

Both of the following must be submitted with the application:

- copy of the signed lease, easement, permit, or special use agreement.
- map depicting the area(s) existing or proposed for lease, easement, permit, or agreement

NOTE: For a development project, an applicant must have a minimum of a 25-year lease with at least 20 years remaining at the time an application is submitted. The lease must include the provisions that (1) the lessee has the first right of lease renewal, and (2) the lessor cannot cancel the lease without cause. If the lease has at least 20 years remaining, but less than 25 years, the application must include a letter of intent to exercise the option to renew.

PROJECTS ON STATE TRUST LAND

Projects proposing improvements on land leased from the Arizona State Land Department will be considered on a case-by-case basis. All projects constructed on State Land are required to meet the 25-year Term of Public Use. A project that cannot meet this requirement may proceed under the remedies provided in the Administrative Guidelines for Awarded Grants. These options include:

- (1) Conversion – providing an equivalent facility at the grant recipient's expense;
- (2) Repayment – refunding the grant funds to State Parks on a graduated scale based on the number of years the project has been available to the public; or,
- (3) Obsolescence – notwithstanding neglect or inadequate maintenance on the part of the grant recipient, a recreation area or facility may be determined obsolete if:
 - (a) reasonable maintenance and repairs are not sufficient to keep the recreation area or facility operating,
 - (b) changing recreation needs dictate a change in the type of facility provided,
 - (c) operating practices dictate a change in the type of facilities required, or
 - (d) the recreation area or facility is destroyed by fire, natural disaster, or vandalism.

D. Americans with Disabilities Act (ADA) certification (p. 69)

This form must be signed by the individual authorized by the Resolution and submitted with the application to be considered complete. It is the applicant entity / organization statement that they comply with all tenets of Title II of the ADA. It does not require all aspects of a project to be ADA compliant.

E. State Historic Preservation Office / Section 106 Compliance / NEPA

The project sponsor must provide all documentation necessary for submission to the State Historic Preservation Office and Federal Highway Administration for review.

SHPO Review Form (p. 70-73) - **All applicants must submit this form by the application due date.** The SHPO Historic Property Inventory Form is only required if historic properties exist within the project area or may be affected by the project.

PLEASE CONSIDER WHEN COMPLETING THE SHPO REVIEW FORM:

- The SHPO REVIEW FORM must be signed by the person authorized in the Resolution to submit documents.
- The SHPO REVIEW FORM and the Historic Property Inventory Form (if applicable) must be included with the application.
- Completed cultural surveys with data attached and a 7.5' USGS map of the entire project area must be included with the application.

Section 106 Compliance – Cultural resource surveys must be completed for the entire project area and the completed **SHPO REVIEW FORM / SHPO Historic Property Inventory Form** must be submitted with the application by the due date. Depending on the location of the project, additional consideration of tribal issues may be required in the federal process. Federal applicants must submit any documentation gathered by agency archaeologists. The State Historic Preservation Office (SHPO) will review all cultural surveys and issue their concurrence with the applicant's proposed action before the NEPA package (only projects receiving RTP funds) can be forwarded to the Federal Highway Administration (FHWA) for review.

State Parks staff is available to assist non-federal applicants through the NEPA process. Contact the program coordinator, Robert Baldwin at rbb2@azstateparks.gov.

NEPA - Each applicant must provide State Parks with documentation which meets the requirements of the National Environmental Policy Act (NEPA), the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and other applicable laws (such as laws regarding threatened and endangered species, hazardous wastes and contaminated properties, historic and archaeological resources, etc.).

The **Environmental Determination Form (pages 79-97)** is provided primarily for non-federal applicants and must be used as a guide in completing the requirements of the National Environment Policy Act. The completed form and supporting documentation must be submitted to State Parks before a Project Agreement will be finalized.

Federal applicants must complete the first two pages of the Environmental Determination Form and submit them with other NEPA compliance documents they are submitting. **These pages serve as a coversheet required by Federal Highway Administration.**

A project requesting federal RTP funds will not be funded until NEPA compliance has been reviewed and approved by the Federal Highway Administration (FHWA).

PART II: REQUIRED CRITERIA AND PROJECT DESCRIPTION FORMS

F. Completing the Statewide OHV Program Project Scoring Criteria Forms (p. 17-39)

These are the criteria forms and supporting documentation used to describe and identify the scope of the project and how requested funds will be used. The applicant is not allowed to alter or amend these forms once the application deadline has passed.

Scoring the Project Application

Statewide OHV Program Project grants are awarded to projects that best meet the needs identified in the "Arizona Trails 2010 State Motorized and Non-motorized Trails Plan". This plan is updated every five years based on input from trail users and land managing agencies in Arizona.

Projects are scored and prioritized based on the motorized priorities identified in the 2010 Trails Plan. Available funds are awarded on the basis of (1) Meeting High Priority Needs and (2) Good Use of the Funds. To give a proposed project the best opportunity to score points, the applicant must understand what elements (scope of work) should be included in the project to satisfy specific priorities in the Trails Plan. The applicant must provide a written description describing the project and how the proposed elements satisfy those priorities. If documentation is requested, it must be provided and cited in the narrative to score the maximum points.

PROJECT SCORING CRITERIA

SECTION I. - POINTS BASED ON PROJECT SCOPE

MOTORIZED PRIORITIES

First Level Priority Components:

	POINTS AVAILABLE
A. Protect Access to Trails/Acquire Land for Public Access.	8
B. Maintain & Renovate Existing Trails and Routes	8
C. Mitigate & Restore Damage to Areas Surrounding Trails, Routes & Areas	8
D. Establish & Designate Motorized Trails, Routes & Areas	8

Second Level Priority Components:

A. Increase On-the-Ground Management, Presence, And Law Enforcement	4
B. Provide & Install Trail/Route Signs	4
C. Provide Maps & Trail Route Information	4
D. Provide Educational Programs	4

Third Level Priority Components:

A. Develop Support Facilities	1
B. Promote Coordinated Volunteerism	1
C. Promote Comprehensive Planning & Interagency Coordination	1
D. Dust Abatement	1

TOTAL POINTS POSSIBLE

52

SECTION 2. - BONUS POINTS

**POINTS
AVAILABLE**

CATEGORY 1. 50% or More of the Project Scope Work is a:

- | | | |
|-----------|------------------------------|-----------------|
| A. | First Level Priority | 12 |
| B. | Second Level Priority | <u>8</u> |

TOTAL POINTS POSSIBLE – CATEGORY 1. 20*

CATEGORY 2. Project Scope Work Consists of Two or More Components:

- | | | |
|-----------|----------------------------------|-----------------|
| A. | At Least Three Components | 9 |
| B. | At Least Two Components | <u>5</u> |

TOTAL POINTS POSSIBLE – CATEGORY 2. 9*

CATEGORY 3. Letters of Support from OHV Supporters Up To

- | | | |
|-----------|--|-----------------|
| A. | One Point for Each Individual Letter of Support | 3 |
| B. | Three points for each OHV Group Letter of Support | <u>6</u> |

TOTAL POINTS POSSIBLE – CATEGORY 3. 9*

CATEGORY 4. Matching Funds

- | | | |
|-----------|--|-----------------|
| A. | Five Points if Project Has Matching Funds | <u>5</u> |
|-----------|--|-----------------|

TOTAL POINTS POSSIBLE – CATEGORY 4. 5*

CATEGORY 5. OHVAG PRIORITY FOR THIS FEBRUARY 2012 CYCLE

- | | | |
|-----------|--|-----------------|
| A. | Up to Five Points for “On the Ground Projects.” | <u>5</u> |
|-----------|--|-----------------|

TOTAL POINTS POSSIBLE – CATEGORY 5. 5*

***TOTAL BONUS POINTS POSSIBLE 48**

TOTAL ALL POINTS POSSIBLE 100

Statewide OHV Program Project Scoring Criteria – February 2012

Statewide OHV Program project grants are awarded to projects that best meet the needs identified in the “Arizona Trails 2010 State Motorized and Non-motorized Trails Plan”. This plan is updated every five years based on input from trail users and land managing agencies in Arizona.

Projects are scored and prioritized based on the motorized priorities identified in the 2010 Trails Plan. Available funds are awarded on the basis of (1) Meeting High Priority Needs and (2) Good Use of the Funds. To give a proposed project the best opportunity to score points, the applicant must understand what elements (scope of work) should be included in the project to satisfy specific priorities in the Trails Plan. The applicant must provide a written description describing the project and how the proposed elements satisfy those priorities.

<p>1. First Level Priority Components</p> <p>A. Protect Access to Trails/Acquire Land for Public Access.</p> <p><u>Issue:</u> Access refers to the ability of the user to get to the trailhead or area where Recreational opportunities exist. Protecting access to unauthorized or “illegal” routes is not considered part of this issue; state and federal agencies will evaluate unauthorized routes as part of their designation process. Access is being diminished due to land agency closure of trails; air quality ordinances; urban development limiting trail access or use; private landowners closing access roads citing destruction of property, littering, and disrespectful behavior; and variation in rules and trail designations that cross private, public and state lands.</p> <p>Closure of designated trails and routes without providing other designated routes in the same area leads to overuse and impacts in new areas.</p>	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>
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Statewide OHV Program Project Scoring Criteria – February 2012

<p>Access is also an issue of trail/route connectivity between jurisdictions, especially regarding the use of trails and roads on Arizona State Trust and to access adjacent federal lands. Protecting access is the highest priority for the motorized trail user.</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • Implement more comprehensive planning with projections into the future to identify unprotected access points for designated trails and routes, and acquire land for existing and proposed trails and trail access, easements, and rights-of-ways. • Permanently secure access to designated trails, routes, trailheads, and across private and State Trust lands. • Consider increased trail access and parking near urbanized areas. • Coordinate with private landowners on trail issues and solutions. • Work with land management and law enforcement agencies to provide consistent trail signage and enforcement of laws and regulations across jurisdictions. • Treat staging areas and high use unpaved roads for dust mitigation in areas of concern. • When considering closing a route, first research the feasibility of redesigning the trail to correct design flaws or protect resources; plan for increased use on adjacent trails. 		
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<p>B. Maintain and Renovate Existing Trails and Routes</p> <p><u>Issue:</u> Many motorized trails and routes are perceived as eroded or poorly aligned, and a top motorized trail priority is to keep existing trails in good condition. Trails are eroded due to natural causes, overuse, improper design or lack of regular maintenance. Often badly eroded or aligned trails cause users to create unauthorized alternate routes.</p> <p>Land agencies are currently in the process of officially designating trails and routes that are appropriate for recreational motorized use; these “designated” trails and routes will need to be renovated and maintained. Renovation of a trail provides opportunity to address and/or mitigate any resource impacts caused by trail use. Trash and litter was identified as one of the public’s biggest concerns. Also, with increased OHV use, open mine shafts are an ongoing public safety issue.</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • Identify and take action on reconstruction and maintenance need of designated motorized trails and routes. • Incorporate sustainable trail design when realigning, renovating or maintaining trails. 	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<ul style="list-style-type: none">• Provide education about the litter problem (Pack it in—Pack it out); provide trash bags other litter control means; partner with volunteer groups such as OHV clubs and organizations—Keep Arizona Beautiful• Identify open mine shafts on, and surrounding, motorized routes and implement proper safety precautions such as signage, fencing and permanent closure of shafts. Coordinate with wildlife officials when considering mine shaft closures.• Develop programs, including use of volunteers, to provide routine upkeep of designated trails and routes.• Consider resource protection needs during any trail renovation.		
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Statewide OHV Program Project Scoring Criteria – February 2012

<p>C. Mitigate and Restore Damage to Areas Surrounding Trails, Routes, and Areas</p> <p><u>Issue:</u> Arizona is experiencing a rapid increase of OHV users, many new to the activity and to Arizona's unique environments. A number of motorized users simply don't understand and/or have a lack of appropriate trail ethics. Cross-county travel occurs and unauthorized trails are created which adversely affect wildlife habitat, watersheds, cultural resources, grazing and other multiple-use activities. Managers perceive damage to vegetation and soil erosion along motorized routes as serious problems. In addition, portions of the state are out of air quality compliance for particulate matter (PM-10/dust) and OHVs contribute to the issue.</p> <p>Protection of Arizona's natural and cultural resources is important to both the public and land managers. Mitigating and restoring damage to the environment surrounding trails and routes is a high priority issue for trail users and land managers, based on 2008 survey results. Mitigation includes trail and area closures, signage, fencing and other barriers, restoration of the land, revegetation, treatment for the spread of invasive species, dust mitigation, prevention of impacts to wildlife and their habitats, and protection of water quality. Mitigation and restoration actions address environmental impacts after they occur; prevention and protection actions address impacts before they occur. Several of the other priority</p>	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>
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Statewide OHV Program Project Scoring Criteria – February 2012

<p>recommendations, such as Establish/Designate Trails, Maintain/Renovate Trails, Increase on the ground Management Presence/Law Enforcement, Signage, Education, and Promote Comprehensive Planning, address protecting natural and cultural resources before damage occurs.</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • Rectify or reduce existing damage caused by off-highway vehicles, to natural (vegetation, wildlife, water, soils) or cultural (prehistoric, historic, archaeological) resources or the environment surrounding OHV trails and areas. This may include land restoration, revegetation, invasive species treatment, long-term rehabilitation, barriers, route realignments, or closures. • Mitigation should be part of any trail or route development or renovation. <p><i>Reduce the need for mitigation and restoration through prevention activities such as:</i></p> <ul style="list-style-type: none"> • Seek innovative ways to provide education and interpretive signage on the area's environment. Kiosks and shelters are a good way to draw attention to interpretive materials, which could inform visitors about conservation practices, treading lightly on the land, and the ethics of watching wildlife to minimize disturbance. Signs, maps and other materials should emphasize the 		
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<p>need for users to stay on designated roads and trails.</p> <ul style="list-style-type: none">• Provide visitors with pull-outs, viewing blinds and platforms, observation towers, and boardwalks where appropriate to enhance visitor experiences and reduce impacts and disturbances to wildlife and sensitive areas.• Delineate camp areas on long-distance and heavily used trails to focus impacts in one established area, leaving the surrounding area undamaged.• Minimize impacts of OHV use on grazing and other land uses.• Maintain viable wildlife habitats and linkages through identification and protection of sensitive areas and important wildlife corridors.• Explore and implement solutions to reducing particulate matter due to trail/route use, such as dust suppressants.		
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<p>D. Establish and Designate Motorized Trails, Routes, and Areas</p> <p><u>Issue:</u> Many Motorized roads, trails, and areas currently in use have not been officially designated for motorized use in Arizona. Many OHV routes were once mining, logging or ranch roads, or decades-old exploratory jeep trails. They weren't designed or built for the heavy recreational uses they now accommodate and most were never cleared for environmental or cultural concerns. Very few motorized trails were designed to provide the varied and challenging opportunities desired by the OHV user.</p> <p>The evaluation and designation step for officially establishing motorized trails and routes, currently being implemented by the BLM and Forest Service, is a high priority for both federal and state land managers and motorized trail users. This step determines which routes (previously authorized or unauthorized) will be part of the official transportation system, and includes evaluation of the route for environmental or cultural impacts, trail use an activity types, feasibility to implement ongoing management (maintenance, enforcement, resource protection, etc.), and public involvement. Implementation of the designation process will also protect access to many existing trails and routes, and will close routes that cannot meet agency standards.</p> <p>Cities, towns and counties do not usually provide OHV recreation opportunity in Arizona – there is a lack of managed OHV destinations near large</p>	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>
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Statewide OHV Program Project Scoring Criteria – February 2012

<p>urban centers. There are only two public sites in Arizona that have an area designed specifically for youth OHV riding. There is an increasing population of motorized users with physical disabilities dependent on the use of motorized vehicles for travel “to get into the backcountry.”</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • Inventory, evaluate and designate motorized trails, roads and areas. • Before designation, conduct environmental assessments and cultural clearances on all motorized routes. Close existing routes that cannot meet agency standards. • Inform the public, through press releases, maps and websites, as soon as OHV routes and trails are officially designated. Involve users in the designation process. • Establish a variety of OHV recreation opportunities that are important to the trail user public including loop trails, trails that offer challenge an technical driving opportunity, scenic backcountry roads maintained for passenger vehicles, and cross-country travel areas. • Develop OHV connectors and networks to create loop trails or provide longer rides. • Make trails and routes accessible for individuals with physical disabilities. • Encourage or provide preference to cities and countries to become active in OHV management; to provide OHV sites and beginner riding areas near population centers. 		
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<p>1. Second Level Priority Components</p> <p>A. Increase On-The-Ground Management Presence and Law Enforcement</p> <p><u>Issue:</u> Enforcing rules and regulations on trails, routes areas is a high priority for motorized trail users and land managers. There is a lack of on-the-ground management presence and self-policing for safety, information, education and enforcement activities. There is a lack of adequate law enforcement to sufficiently meet resource protection needs and reduce dust emissions. There is no effective mechanism for the public to report illegal operators in a timely manner to appropriate law enforcement agencies. Trail laws and regulations are often unknown or ignored by users. Land managers do not have the staff or time to effectively monitor trails and users or educate recreationists. There is a need for increased search and rescue efforts in conjunction with OHV use due to lost, injured, and/or unprepared users.</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • With new OHV laws in place, implement a well-coordinated effort across jurisdictions to maximize effort and impact. This coordinated effort should be centralized so there is a consistent enforcement direction and interpretation. 	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<ul style="list-style-type: none">• Encourage State and counties to provide assistance on federal lands for law enforcement.• Federal agencies should increase on the ground enforcement efforts, particularly for resource protection.• Educate courts to provide consistency regarding sentencing (e.g., fines, education programs, community service). Heavier fines for repeat offenders are encouraged.• Identify enforcement contacts or install complaint registers for trail users to report information.• Increase staff through a variety of means including ranger presence, law enforcement presence, volunteers, and site hosts.• Promote volunteer programs with clubs and individuals to monitor trail use and educate users regarding rules and regulations (e.g., OHV Ambassadors/peer patrols).• Agency personnel are encouraged to coordinate law enforcement training programs.		
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<p>B. Provide and Install Trail/Route Signs</p> <p><u>Issue:</u> Properly placed signs can keep users on designated trails and routes and inform users why this is important. Users require a number of different kinds of signage to safely and enjoyably pursue their trail experience. There is a lack of adequate signage on motorized routes and areas. Federal land managers are currently in the process of establishing designated motorized routes and are sometimes apprehensive to install signs until designations are complete. Signs are continuously damaged and vandalized and need frequent replacement. There are inconsistent inter-agency standards for signage.</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • Install locator signs that lead people to trailheads and parking areas, directional signs along the trail, destination signs to let people know they have reached end points, interpretive signs that describe the natural or cultural history of the area, educational signs explaining why environmental and cultural protections are required, and regulatory signs that explain the rule of conduct. • Adopt consistent interagency universal standards for signage. • Develop bilingual signage and information. <p>Enlist the help of volunteers to routinely monitor and replace signs as needed. To reduce vandalism, visibly advertise that these signs were installed by volunteers from “X” Club”.</p>	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<p>C. Provide Maps and Trails Information</p> <p><u>Issue:</u> Trail users need information and accurate maps that inform them where designated trails exist. Accurate, up to date maps and trail information are difficult to find. There are a limited number of comprehensive OHV trail maps in Arizona, as well as site-specific maps. Federal land managers are currently in the process of establishing designated motorized routes and are sometimes apprehensive to distribute maps until designations are complete. Many current maps do not include routes that cross State Trust lands.</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • Develop interim maps with current date listed until route designations are complete. • Post maps and information on agency websites and trailhead kiosks so they are widely accessible. • Develop bilingual maps and information. • Provide GPS coordinates, rules and laws, and other responsible riding information on maps. • Coordinate and enter into negotiations with the State Land Department to include on maps the key OHV routes that cross State Trust lands. • Agencies and/or the private should establish a central repository for maps with a database manager to ensure accuracy and consistency. This would increase GIS effectiveness and efficiency. Overlays of interest could be kept low to encourage a wider distribution and use. 	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<p>D. Provide Educational Programs</p> <p><u>Issue:</u> Trail users who lack proper trail etiquette and environmental ethics can detract from other trail users' recreation experience and negatively impact the environment.</p> <p>Current education efforts are insufficient to meet the need for effective responsible user education (need to target residents, visitors, dealers, buyers, and rental businesses), resulting in negative impacts to land and water resources, cause site closures, and contribute to the negative perception of OHV use. Many users are unaware of new laws relating to dust restrictions, vehicle operation, and registration of vehicles. More well placed educational materials and targeted programs may reduce the need for increasing law enforcement efforts.</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • Develop consistent responsible use messages and promote through websites and mass media, and provide OHV related articles for newspapers, magazines, and newsletters. • Compile a comprehensive list of OHV laws and regulations and also prepare and publicize condensed versions (e.g., brochures, FAQs). • Partner with motor sport dealer businesses to educate motor vehicle buyers and renters. 	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<ul style="list-style-type: none">• Develop and implement an approved State OHV curriculum.• Incorporate OHV recreation use into driver education and school youth programs.• Improve posting of regulations at trailheads and along routes.• Maintain and use OHV interest mailing list to announce new information, messages, policies and regulations.		
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Statewide OHV Program Project Scoring Criteria – February 2012

<p>1. Third Level Priority Components</p> <p>A. Develop Support Facilities</p> <p><u>Issue:</u> In addition to the actual trail corridor, users require support facilities to aid in the area's use and activities. Support facilities can include restrooms, parking areas, kiosks, water faucets, picnic and campsites, shelters, wildlife viewing blinds and platforms.</p> <p>Well-designed support facilities increase the user's experience and satisfaction along with protecting the natural resources, including keeping areas clean and free of litter and waste. Many users do not know land ownership information and facilities help demonstrate the area is "managed" and "owned" by someone.</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • Develop trailheads with adequate parking areas and litter control (such a individual litter bags), and where appropriate, restrooms, drinking water, and/or other management features such as a sign-in register. • Develop picnic sites or campsites in conjunction with the trailhead, where appropriate. • Develop a volunteer host campsite to assist with on the ground presence and user contact. 	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<ul style="list-style-type: none">• Support facilities should be accessible to all users; comply with ADA guidelines.• Consider facilities along long-distance trails, such as viewing platforms, shelters or planned campsite that could be used to reduce impacts to surrounding areas.		
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<p>B. Promote Coordinated Volunteerism</p> <p><u>Issue:</u> Volunteers are a valuable supplement to an agency's labor force. Based on the Random Household survey, more than half of core motorized trail users are willing to volunteer, and 90% of the motorized Involved Users, many of which are club members, are willing to volunteer. During <i>2010 Trails Plan</i> Workshops, users requested greater use of their public service and to "bring back adopt-a-trail."</p> <p>Land managers desire increased use of volunteers but lack the time to effectively coordinate, manage, and train volunteers to use them to their potential. Some agencies hesitate to use OHV volunteers due to a perceived liability of the activity.</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • Recognize and support the need to allocate staff time to coordinate volunteers. • Seek grants and partnerships to support volunteers. • Enlist a volunteer to take a leadership role or be the liaison between the agency and volunteers, and to coordinate trail projects. • Provide volunteer trainings for trail maintenance and monitoring, leadership and coordination, and specialized skills. • Individual Ranger Districts and Field Offices should establish local cadres of OHV ambassadors or peer patrols to increase the volunteer force and on the ground presence. 	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

<p>C. Promote Comprehensive Planning and Interagency Coordination</p> <p><u>Issue:</u> Interagency cooperation and consistency, and regional trail planning was a common theme throughout the <i>2010 Trails Plan</i> Workshops. Better communication between agencies is important to ensure interconnectivity between trail systems, securing access from encroaching development, trail signage and regulation standardization, and sharing enforcement resources. Interagency planning and coordination is especially important for the protection of natural and cultural resources, particularly for ecosystems and wildlife corridors.</p> <p>There is a lack of planning for OHV recreation near population centers, and need to implement best management practices for OHV recreation in Arizona. “Seamless” transitions of trails and routes across jurisdictions is especially important for OHV’s because motorized vehicles travel longer distances within trips than non-motorized users, so longer loop trails and interconnected routes are a necessary component of a good OHV trail system.</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • Collaborate with neighboring agencies to interconnect trail systems and share resources. • Develop regional trail system plans and involve relevant agencies, organizations, and users in all planning efforts. 	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>
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Statewide OHV Program Project Scoring Criteria – February 2012

<ul style="list-style-type: none"> • Continue implementation of programs and efforts such as the Wildlife Linkages Assessment, Invasive Species task force, and Watchable Wildlife programs; get involved • Compile a resource guide (best management practices) for managing OHV recreation. • Develop an expert team to help introduce and guide municipalities in OHV management. • Conduct a needs assessment for OHV management near major population centers. • Review successful business models for privately operate OHV use areas. • Involve the recreation users in planning efforts and keep them informed of new policies and changes in management. They may be able to provide assistance and resources. 		
<p>D. Dust Abatement</p> <p><u>Issue:</u> Portions of the state are out of air quality compliance for particulate matter (PM-10/dust) and OHV's contribute to the issue.</p> <p><u>Actions:</u></p> <ul style="list-style-type: none"> • Treat staging areas and high use unpaved roads for dust mitigation in areas of concern. • Explore and implement solutions to reducing particulate matter due to trail/route use, such as dust suppressants. 	<p>Does your project include this component? YES () NO () If YES, briefly explain:</p>	<p>List Scope Items And Estimated Budget Associated With This Component</p>

**Statewide OHV Program
Project Scoring Criteria – February 2012**

<u>BONUS CATEGORIES</u>		
<p>BONUS CATEGORY 1. 50% or More of the Project Scope Work is a:</p> <p style="text-align: center; padding-top: 40px;">A. First Level Priority</p> <p style="text-align: center; padding-top: 100px;">****</p>	<p>List Scope Items for <u>First Level Priority</u></p> <p><u>Scope Items</u></p> <p style="text-align: center; padding-top: 100px;">****</p>	<p><u>Cost % of</u> <u>Total Project</u></p> <p style="text-align: center; padding-top: 100px;">****</p>
<p style="text-align: center; padding-top: 40px;">B. Second Level Priority</p>	<p>List Scope Items for <u>Second Level</u> <u>Priority</u></p> <p><u>Scope Items</u></p>	<p><u>Cost % of</u> <u>Total Project</u></p>

**Statewide OHV Program
Project Scoring Criteria – February 2012**

BONUS CATEGORY 2. Project Scope Work Consists of Two or More Components:	Project Scope Work Addresses the following Components:	YES / NO
<p style="margin-left: 40px;">A. At Least Three Components</p> <p style="margin-left: 40px;">B. At Least Two Components</p>	<p><u>First Level Priority Components:</u></p> <p>A. Protect Access to Trails/Acquire Land for Public Access.</p> <p>B. Maintain & Renovate Existing Trails and Routes</p> <p>C. Mitigate & Restore Damage to Areas Surrounding Trails, Routes & Areas</p> <p>D. Establish & Designate Motorized Trails, Route & Areas</p> <p><u>Second Level Priority Components:</u></p> <p>A. Increase On-the-Ground Management, Presence, And Law Enforcement</p> <p>B. Provide & Install Trail/Route Signs Provide Maps & Trail Route Information</p> <p>C. Provide Educational Programs</p> <p><u>Third Level Priority Components:</u></p> <p>A. Develop Support Facilities</p> <p>B. Promote Coordinated Volunteerism</p> <p>C. Promote Comprehensive Planning & Interagency Coordination</p> <p>D. Dust Abatement</p> <p style="text-align: right;">Total Number of Components Addressed in This Project:</p>	<p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p> <p>() ()</p>
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**Statewide OHV Program
Project Scoring Criteria – February 2012**

BONUS CATEGORY 3. Letters of Support from OHV Supporters	A. Number of Letters of Support from Individuals:	B. Number of Letters of Support from OHV Groups:
BONUS CATEGORY 4. Matching Funds	Does this project have matching Funds? YES () NO ()	Amount of Matching Funds: \$
BONUS CATEGORY 5. OHVAG Priorities - Priority: On The Ground Projects	Is this an On the Ground Project? YES () NO ()	What Percent of this Project is On The Ground?

**Statewide OHV Program
Project Scoring Criteria – February 2012**

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G. Estimated Project Cost Sheet / Scope Item Timeline / Donations

The Estimated Project Cost Sheet is needed to complete the Grant Application Form. Scope Item Cost Breakdown sheets are required to document responses on the rating criteria forms.

- Estimated Project Cost Sheet (p. 51)
- Scope Item Cost Breakdown Sheet (p. 44-46)
- Acquisition Cost Breakdown Sheet (*if applicable*) (p. 44)
- Design & Engineering Costs Breakdown Sheet (*if applicable*) (p. 46-48)
- Scope Item Timetable (p. 50)
- Donations List (*if applicable*) (p. 50)

Completing the Estimated Project Cost Sheet / Scope Item Timeline / Donations

In order to complete the Estimated Project Cost Sheet the project must be broken down into individual scope items. Each scope item must meet the eligibility requirements as explained on page 1. The applicant must divide the project costs into "scope items". A scope item may consist of several components. The scope items must be titled to match the equivalent rating criteria form items 1A-3D and all eligible costs associated with that scope item will determine the total cost. SCOPE ITEM COST BREAKDOWN sheets are available in the application manual or in Word format from State Parks. Read the definition provided in each criterion to determine what costs may be eligible for that scope item. Contact the State Parks grant coordinator when in doubt.

Certain scope items will be essential to the project. Other items may be expendable based on the availability of funding. Scope items must be listed on the Estimated Project Cost Sheet in the order of their priority to the project.

STEP 1: ACQUISITION COST (If not applicable, go to STEP 2)

Complete the **Acquisition Cost Breakdown** (page 44) identifying each parcel to be acquired. Total acreage involved should be noted, as well as the anticipated date of acquisition. In the column on the far right of the breakdown, indicate whether the parcel is being purchased (P) or donated (D).

STEP 2: SCOPE ITEM COST

Complete a **Scope Item Cost Breakdown** (page 44-46) for each component of the project. As accurately as possible, develop cost estimates based on the anticipated costs of completing that scope item. Estimates should reflect realistic prices anticipated at the time the work will be done. Break down each scope item into materials and labor components as applicable. Contingency costs should be included within the cost of the scope item as applicable, not listed as a separate component. Work that will be done as part of one contract must be broken down and costs shown for each component of the project under the contract.

EXAMPLE: If the project includes renovation and points are being requested under Project Scoring Criteria #1B, all renovation costs must be itemized in the Scope Item Cost Breakdown sheets.

STEP 3: DESIGN & ENGINEERING COSTS (If not applicable, go to STEP 4)

Design & Engineering Costs (D&E) is an optional scope item. These costs may not be incurred prior to authorization of the project by the Federal Highway Administration (FHWA) and execution of the project agreement. The costs must be specific to this project and may include site planning, feasibility studies, design, construction drawings and specifications, and similar items. They are limited to 10% of the grant amount. The applicant must adhere to local rules and regulations as well as Arizona State Law in using qualified personnel to prepare final plans and specifications for the proposed development. **The costs of grant application preparation and grant administration are not eligible scope items and must not be included with other design and engineering costs.** Contingency costs should be included within the cost of the scope item as applicable, not listed as a separate component.

****NOTE:** To enable available funds to be used for work directly benefiting the recreational user, ASP staff may not recommend design and engineering costs for funding. If approved, design and engineering costs cannot exceed 10% of the grant amount on the Estimated Project Cost Sheet.*

If no Design & Engineering Costs are going to be charged, go to STEP 4.

If it is anticipated that D&E costs will be charged to the project, please refer to the **Instructions for Design & Engineering Costs Worksheet** (page 47-48).

If the amount of D&E being requested is clearly less than 10% of the requested grant amount, simply complete the **Design & Engineering Costs Breakdown Sheet** (page 46). As accurately as possible, develop cost estimates based on the anticipated costs of completing that component of the design and engineering cost. Estimates should reflect realistic prices anticipated at the time the work will be done. Break down each component into materials and labor costs as applicable. Contingency costs should be included within the cost of the scope item as applicable, not listed as a separate component.

STEP 4: ESTIMATED PROJECT COST SHEET

Once all of the Scope Item Cost Breakdowns are completed, the Estimated Project Cost Sheet (page 51) can be completed. The amounts entered on the Estimated Project Cost Sheet **must** correspond to the amounts entered on the Certified Application Form, Resolution /Authority to Apply, Acquisition Costs Breakdown, Scope Item Cost Breakdowns, and Design & Engineering Costs Breakdown.

Project Title - Enter the title of the proposed project as it appears on line 7 of the Certified Grant Application form (page 61).

Acquisition Project Costs - Parcels to be acquired should be listed separately with the highest priority parcels appearing at the top of the list. **The prioritization of parcels is important. During the project review process staff may recommend deleting a parcel from the project. Items at the bottom of the list are usually considered for deletion first.** In the "MATCH" column indicate the amount of the project sponsor's matching funds or donations to be applied to each parcel. In the "GRANT REQUEST" column indicate the amount of grant funds being requested to purchase each parcel. The total of these two columns represents the anticipated cost of

each parcel. Enter the totals for matching and requested grant funds and the Total Cost of All Acquisitions.

Development / Equipment Project Costs – List each scope item as identified on a Scope Item Cost Breakdown. Highest priority scope items should appear at the top of the list. **The prioritization of scope items is important. During the project review process staff may recommend deleting specific scope items from the project. Items at the bottom of the list are usually considered for deletion first.** In the “MATCH” column indicate the amount of the project sponsor’s matching funds or donations to be applied to each scope item. In the “GRANT REQUEST” column indicate the amount of grant funds being requested for each scope item. The total of these two columns represents the anticipated cost of each scope item. If Design & Engineering (P/D&E) costs are being included, see the next paragraph. Otherwise, enter the totals for all matching and requested grant funds in the Total Development/Equipment Costs field.

Design & Engineering Costs – Enter the total of all design and engineering costs as identified on the Design & Engineering (D&E) Costs Breakdown Sheet in the specified area. In the “MATCH” column indicate the amount of the project sponsor’s matching funds or donations to be applied to D&E costs. In the “GRANT REQUEST” column indicate the amount of grant funds being requested for D&E costs. The total of these two columns represents the anticipated cost for all design and engineering. Enter the totals for matching and requested grant funds and the Total D&E Costs. Enter the totals for all matching and requested grant funds in the Total Development/Equipment Costs field.

ACQUISITIONS COST BREAKDOWN

PARCEL #	ACRE S	ANTICIPATED DATE OF ACQUISITION	ESTIMATED COST	RELOCATION COST	APPRAISAL & RELATED FEES	TOTAL COST OF PARCEL	* P / D
			\$	\$	\$	\$	

* Indicates Method of Acquisition: P= Negotiated Purchase D= Donation

SCOPE ITEM COST BREAKDOWN

SCOPE ITEM:

COMPONENTS OF SCOPE ITEM	MATERIAL # of Units OR ----- LABOR # of Hours	MATERIAL Unit Cost OR ----- LABOR Hourly Rate	Total Component Cost
TOTAL SCOPE ITEM COST			

SCOPE ITEM COST BREAKDOWN

SCOPE ITEM:

COMPONENTS OF SCOPE ITEM	MATERIAL # of Units OR ----- LABOR # of Hours	MATERIAL Unit Cost OR ----- LABOR Hourly Rate	Total Component Cost
TOTAL SCOPE ITEM COST			

SCOPE ITEM:

COMPONENTS OF SCOPE ITEM	MATERIAL # of Units OR ----- LABOR # of Hours	MATERIAL Unit Cost OR ----- LABOR Hourly Rate	Total Component Cost
TOTAL SCOPE ITEM COST			

SCOPE ITEM COST BREAKDOWN

SCOPE ITEM:

COMPONENTS OF SCOPE ITEM	MATERIAL # of Units OR ----- LABOR # of Hours	MATERIAL Unit Cost OR ----- LABOR Hourly Rate	Total Component Cost
TOTAL SCOPE ITEM COST			

DESIGN & ENGINEERING COSTS BREAKDOWN SHEET

COMPONENTS OF DESIGN & ENGINEERING COSTS	MATERIAL # of Units OR ----- LABOR # of Hours	MATERIAL Unit Cost OR ----- LABOR Hourly Rate	Total Component Cost
		\$	\$
TOTAL ESTIMATED D&E COSTS			\$
**This amount may not exceed 10% of the requested grant amount.			

YOU MUST SUBMIT THIS SHEET IF D&E COSTS ARE BEING REQUESTED. ENTER THIS AMOUNT ON THE ESTIMATED PROJECT COST SHEET (page 51).

INSTRUCTIONS FOR DESIGN & ENGINEERING COSTS WORKSHEET

Design & Engineering Costs (D&E) is an optional scope item. These costs may not be incurred prior to the authorization of the project by the Federal Highway Administration (FHWA) and the execution of the project agreement. They must be specific to this project and may include site planning, feasibility studies, design, construction drawings and specifications, and similar items. They are limited to 10% of the awarded grant amount. A portion of the D&E costs may be covered by the applicant through donations or in-kind services which can be counted as matching funds. The 10% limitation still applies if donations are used. Or, the entire cost may be requested as grant funds.

The purpose of the Design & Engineering Costs Worksheet (page 48) is to help the applicant determine if the requested amount of D&E costs are equal to or less than 10% of the requested grant amount. The worksheet can only be completed when all other project costs have been estimated. In other words, based on the estimated total project cost without D&E costs included **and** the amount of matching funds available, the applicant will be determining the maximum amount of D&E costs that can be included in the total project cost.

If Design & Engineering costs are not going to be included in the total project cost, it is not necessary to complete this worksheet. Enter zero (0) on the Estimated Project Cost Sheet. If the amount is clearly less than 10% of the requested grant amount, simply complete the Design & Engineering Costs Breakdown Sheet. Otherwise, please continue.

1. Enter the anticipated eligible costs in the top portion of the worksheet. The TOTAL ESTIMATED D&E COSTS is the total of eligible design and engineering costs that will be requested on the Estimated Project Cost Sheet. **DO NOT INCLUDE THIS AMOUNT ON THE ESTIMATED PROJECT COST SHEET AT THIS TIME.**
2. In the bottom section, you will determine what is the maximum amount of D&E costs that can be included in the total project cost based on available matching funds. Using .9 on *line 2* will calculate the greatest amount of D&E that could be claimed if the applicant intends to provide the minimum 10% matching funds. If the amount of the applicant's match will be greater than the 10% minimum, use a decimal representing the smaller proportion of grant funds such as .75 for 75/25 or .6 for 60/40 grant/match relationship. Follow the instructions on the lower part of the worksheet.

Line 5 is the Total Project Cost including the greatest allowable D&E cost.

Line 7 is the greatest allowable D&E cost based on the other project costs and the maximum grant amount.

Line 6 and *line 8* represent the 90/10-grant/match relationship with *line 8* being the applicant's obligation.

If *line 7* is equal to or greater than the Total Estimated D&E Costs in the top portion of the worksheet, and the match requirement is available, use the amounts in the top portion of the worksheet to complete the D&E Cost Breakdown Sheet and enter that amount on the Estimated Project Cost Sheet.

If *line 7* is less than the Total Estimated D&E Costs in the top portion of the worksheet, and the match requirement is available, adjust the amounts in the top portion of the worksheet to equal the amount on *line 7* and use that amount to complete the D&E Costs Breakdown Sheet and enter that amount on the Estimated Project Cost Sheet.

DESIGN & ENGINEERING COSTS WORKSHEET

Components of Design & Engineering Costs	MATERIAL # of Units OR LABOR # of Hours	MATERIAL Unit Cost OR LABOR Hourly Rate	TOTAL Component Cost
TOTAL ESTIMATED D&E COSTS **This amount may not exceed 10% of the requested grant amount.			

USE THIS FORMULA TO DETERMINE THE ALLOWABLE AMOUNT OF DESIGN & ENGINEERING COSTS

Total Cost of Acquisition and Development Scope Items	<i>line 1</i>	\$ _____
Enter the percentage of the total project cost expected to be paid by Grant funds as a decimal (i.e., .8 for 80%, or .55 for 55%)	<i>line 2</i>	\$ _____
Multiply <i>line 2</i> by .1	<i>line 3</i>	\$ _____
Subtract <i>line 3</i> from 1.0 (1.0 minus <i>line 3</i>)	<i>line 4</i>	\$ _____
Divide <i>line 1</i> by <i>line 4</i> (This is the Total Project Cost including D&E costs.)	<i>line 5</i>	\$ _____
Multiply <i>line 5</i> by <i>line 2</i> (This is the amount of the Grant Request.)	<i>line 6</i>	\$ _____
Multiply <i>line 6</i> by 10% (This is the maximum allowable D&E cost.)	<i>line 7</i>	\$ _____
Subtract <i>line 6</i> from <i>line 5</i> (This is the amount of the Applicant Match.)	<i>line 8</i>	\$ _____

THIS PAGE NEED NOT BE INCLUDED WITH THE APPLICATION.

STEP 5:

SCOPE ITEM TIMETABLE

Complete the **Scope Item Timetable** (page 50) including each scope item. Estimate when work on that scope item will begin and be completed.

STEP 6:

DONATIONS LIST

Complete the **Donations List** (page 50). Donations to the applicant from any source may include land, services/labor, materials, and/or equipment. The fair market value of such donations may be used as a matching share of the grant. The estimated values of land and other donations may be derived from appraisals, applicant's pay scales, and formalized equipment use rates. Donated labor may be charged at **\$18.00 per hour** or lower, unless it is for a licensed or skilled trade which may be charged at the current market rate. A certified trail crew supervisor may be charged at \$22/hour.

NOTE: Contact ASP staff for information on acceptable methods of assessing values of donations. Costs associated with the initiation of development and/or the value of donations accepted by the applicant prior to approval of an application are not eligible project costs. The donor and value of the donation must be clearly identified on the Donations List. **Letters of commitment specifically identifying the value of the contribution and the method and date of delivery of the contribution must be provided to verify each donation/partnership.** The source of donations must also be identified in the Resolution / Authority to Apply and the amount included as a component of the matching funds on the Estimated Cost Sheet.

These guidelines will ensure consistency and project sponsors in identifying and recording appropriate volunteer related expenses.

GUIDELINES FOR MATCH

1. Donated labor and materials must be specific to the approved scope of the grant project to qualify as match and be eligible for reimbursement.
2. Donated labor will be valued at \$18.00 per hour for trail crew workers and \$22.00 per hour for a certified trail crew supervisor. Certification is based on meeting the standards as set forth by the organization providing the volunteer labor.
3. The value of donated labor for a person professionally skilled in the type of work being performed for the project shall be the rate normally charged for this service (i.e., a backhoe operator operating a backhoe or a carpenter building a frame building). A person who builds trails professionally may be credited for his normal hourly rate for donated work. (Licensed Trade Standard)
4. A volunteer may not be credited for more than eight (8) hours work in a day. Daily time records for each volunteer must be maintained.
5. Time and expense incurred by a volunteer in getting to the project site is not an eligible cost or donation. Volunteer time starts at the project site.
6. The expense incurred by a project manager who is transporting volunteers to a project site is an eligible cost. Volunteer time starts at the project site.
7. The value of donated materials must not exceed fair market value established by comparison with prices from a vendor.
8. Food, beverages, and other considerations provided to volunteers are not an eligible cost. The project manager may claim a reasonable cost for providing water and portable restrooms.
9. The value of volunteer labor for a one-time non-routine trail cleanup event and non-trail construction related activities would remain at the minimum wage unless it meets the licensed trade standard.

SCOPE ITEM TIMETABLE

[illegible]

DONATIONS LIST

Donations must be supported by a letter from the donor identifying the amount and terms of the donation.

Donations must be supported by a letter from the donor identifying the amount and terms of the donation.			
ITEM / DONOR	NUMBER OF UNITS	UNIT COST	TOTAL VALUE
		\$	\$
TOTAL			\$

ESTIMATED PROJECT COST SHEET

Project Title: _____

ACQUISITION PROJECT COSTS				
PARCEL NUMBER	CASH / IN-KIND MATCH	VALUE OF DONATION	REQUESTED GRANT AMOUNT	TOTAL PARCEL COST
TOTAL MATCH & DONATIONS				
TOTAL REQUESTED GRANT FUNDS				
TOTAL COSTS OF ALL ACQUISITIONS				

DEVELOPMENT / EQUIPMENT PROJECT COSTS				
SCOPE ITEM	CASH / IN-KIND MATCH	VALUE OF DONATION	REQUESTED GRANT AMOUNT	TOTAL ITEM COST
DESIGN & ENGINEERING COSTS				
TOTAL MATCH & DONATIONS				
TOTAL REQUESTED GRANT FUNDS				
TOTAL DEVELOPMENT / EQUIPMENT COSTS				

Total Cost of All Acquisitions	\$	
Total Development/Equipment Costs	+	
Total Project Cost	=	
Match Amount certified by the Resolution	-	
Grant Request (maximum 90% of Total Project Cost)	=	

Enter the Total Project Cost, Match Amount, and Grant Request on the Certified Grant Application Form (page 61).

H. Four 4" x 6" Color Photographs (LANDSCAPE LAYOUT ONLY)

Photographs of the project area or specific features of a project must be submitted with the application. The photos should depict the area to be developed or specific features of the project and be submitted in vinyl sleeves. You must provide a description of each photo. Photos should document as many of the proposed scope items as possible. Do not staple, paste, tape or otherwise fasten the photos to the application. Digital photos must be printed on high quality paper and cut to **4" x 6" size**. **One set of originals is required.** Photocopies of the photographs may be submitted with the seven additional sets.

NOTE: Application photos and maps are shared with OHVAG when the applications are presented or review. Maps that are too large and photos that are mounted will not be used in the presentation.

I. Maps and Plans including all of the following applicable forms must be submitted for the application to be considered complete:

- Location Map (p. 74)
- Acquisition Parcel Map (*if applicable*) (p. 75)
- Site Plan (p. 76)
- Floor Plans (*if applicable*) (p. 77)
- Signage Design Plan (*if applicable*) (p. 78)

Submitting Maps and Plans

Each application must include a project location/boundary map and a site plan. Floor plans must be submitted if structures are included as part of the project. An acquisition parcel map must be submitted with each application proposing land acquisition. A signage design plan must be submitted if the project includes signage. A trail design plan must be included if the project includes trail construction or reconstruction. Applicants must assure compliance with guidelines as explained by the examples on pages 74-78 of this manual or the application will be considered incomplete. Maps must be of display quality on an 8 1/2" x 11" sheet of paper.

GENERAL COMPLIANCE

Application Deadline

Arizona State Parks Grants Section must receive completed applications no later than **5:00 p.m. on Friday, March 16, 2012**. This is not a postmark deadline; applications must be received by the grant deadline. It is recommended that you submit your application early so staff can notify you if any additional items are needed to make the application complete.

An entity may submit more than one application per year, but only if the applications are for completely different projects. Applicants who were awarded funding previously may submit an application for the current grant cycle. The application for the current grant cycle may or may not have any relationship to the project funded in a previous year. Every application for the current grant cycle will be evaluated based upon the merit of the proposed project and the criteria set forth in this manual, regardless of whether the proposal would expand a project funded in a previous year.

When accepting a grant award from the Arizona State Parks Board, the recipient must sign a Project Agreement. This agreement is a contract identifying the terms and conditions of the grant award. A copy of this agreement and the general provisions is provided at the end of this manual. Please have an appropriate legal representative review this agreement to ensure that it will be acceptable. Revisions may be negotiated prior to acceptance.

All recipients and sub-recipients of funds through the Statewide OHV Program must comply with applicable State and Federal laws, regulations, and Executive Orders.

Notice of Eligibility

Within 15 working days of the application deadline, each applicant will receive a letter indicating the status of the application. State Parks will make a determination of eligibility based on whether or not the application has met the basic requirements outlined in this manual. Applications may be deemed eligible, yet have deficiencies that must be corrected by the date indicated in the letter. If the deficiencies are not corrected by the indicated date or if the signed resolution is not received by the due date, the application will be deemed ineligible.

Disagreement Process

Disagreements with any decision or action which are not resolved with staff to the satisfaction of the applicant may be addressed in the following manner within thirty (30) working days of receiving notice of staff's decision:

- A. The applicant may submit a written request for review to the Assistant Director of the Partnerships Division of Arizona State Parks. The Assistant Director will address the matter and respond in writing within thirty (30) working days of receiving the request from the applicant.
- B. If the disagreement is not resolved with the Assistant Director's intervention, the applicant may submit a written request for review and consideration to the

Executive Director of Arizona State Parks. The Executive Director will respond within thirty (30) working days of receiving the request.

Permitting Requirements

State Parks-funded grant projects may involve work that requires permits and clearances from various state and federal agencies. Arizona State Parks does not determine which—if any—permits or clearances are required for specific projects nor does it review permits or clearances for accuracy or appropriateness. Applicants are encouraged to arrange pre-application meetings with appropriate federal, state, and local government agencies to determine requirements, processes, time schedules and documentation required for proposed permit applications.

If awarded a grant, the applicant is responsible for obtaining all applicable permits and clearances no later than 18 months after the Project Agreement is signed. Construction funds will not be released until copies of all applicable permits and clearances are received in this office.

Review the items listed below to assist you in determining if your project may require permits and/or clearances.

Will the project:

- Affect any (a) federally listed endangered or threatened species or designated critical habitat or (b) species listed as wildlife of special concern in Arizona?
- Include introduction or exportation of any species not presently or historically occurring in the receiving location?
- Affect any recognized state natural area, prime or unique ecosystem or geologic feature, or other ecologically critical area?
- Involve habitat alteration or land use changes such as planting, burning, removal of native vegetation, clearing, grazing, water manipulation, or modification of public use?
- Involve any new or modified construction or development in floodplains or wetlands?
- Require ground or surface water through contract of acquisition for long-term project viability?
- Include the use of any chemical toxicants?
- Result in any discharge which will conflict with Federal (or State) air or water quality regulations?
- Require substantial consumption of energy to complete or maintain the project (heavy equipment, large vessels, etc.) or result in increased energy consumption by the public (new public use areas, etc.)?
- Affect any archaeological, historical or cultural site or alter the aesthetics of the subject area?
- Impact on designated wild or scenic river, wilderness area, national trail, or other protective national or state designation (i.e., Unique Waters, Area of Critical Environmental Concern, National Conservation Area, etc.)?

- Have any substantive environmental impacts not addressed above, or result in cumulative impacts which separately do not require assessment, but together must be considered substantial?

References

1. Section 7, Endangered Species Act of 1973, as amended
2. Arizona Game and Fish Department Wildlife of Special Concern List
3. Executive Order 11987, Exotic Organisms; and 50 CFR 92
4. Executive Order 11988, Flood Plain Management
5. Executive Order 11990, Protection of Wetlands
6. Administration of Clean Air Act of 1970 (P.L. 91-604) and Federal Water Pollution Control Act (P.L. 92-500), Executive Order 11738; and Clean Water Act Amendments of 1977 (P.L. 95-217)
7. Executive Order 11593, Protection and Enhancement of the Cultural Environment (P.L. 93-291), Archaeological and Historic Preservation Act, 5-244-74; and CEQ Guidelines, Federal Register 43(230), 11-29-78, § 1508.8
8. Wild and Scenic Rivers Act (P.L. 90-542)
9. Wilderness Act (P.L. 88-577)
10. National Trails Act (P.L. 90-543)
11. National Environmental Policy Act (NEPA), 1969; CEQ guidelines, Federal Register 43(230), 11-29-78, §§ 1507.3 and 1508.4; Federal Register 44(112), 6-8-79, pp. 33160-33162
12. Arizona Native Plants, A.R.S. § 3-901 to § 3-934

Appraisals -- Appraisals for proposed land acquisitions must be prepared according to the requirements of the Uniform Standards of Professional Appraisal Practice by a State Certified Appraiser not more than one year before the date of purchase. If the appraisal was prepared more than one year before the date of purchase, an updated appraisal will be required. The appraisal must be in the "Complete and Self-contained" format. Contact Arizona State Parks for additional information on acquisition project requirements.

Physically Challenged -- Facilities must be designed to reasonably meet the needs of persons with disabilities. In so doing, the project sponsor must comply with all applicable provisions of the Americans with Disabilities Act, (Public Law 101-336, 42 U.S.C. 12101-12213) and the Arizonans with Disabilities Act of 1990 (A.R.S. § 41-1492, et seq.).

Inspections -- All RTP project sites are subject to periodic inspection by State Parks staff.

Operation/Maintenance -- The grantee is responsible for continued operation and maintenance of funded facilities for the term of public use as described in this manual. Grant funds are not available for operation and maintenance costs.

Title Transfer and Site Development -- Title transfer of lands proposed for acquisition, whether by donation, or negotiation, and the development of proposed facilities on the acquired land, or other land proposed for development may not commence until there is an executed Project Agreement between the Participant and the Board. Such work or

acquisition accomplished prior to execution of the Project Agreement shall be the full responsibility of the applicant. A waiver may be requested in advance if the desired parcel must be acquired to avoid possible loss or price increase.

Completion Requirements -- An awarded grant must be completed within a specified length of time from the date Arizona State Parks signs the project agreement. The specific times are:

Land acquisition -- completed within two (2) years

Facility development -- completed within three (3) years

Costs associated with work undertaken prior to the execution of an agreement are not eligible project costs.

Commencement of Work for Awarded Grants -- Actual development work must begin within eighteen (18) months of the signed agreement and acquisitions must begin within six (6) months of the signed agreement. Work is defined as an executed consultant agreement for studies, reports, assessments, or architectural/engineering projects; an executed construction contract or initiated on-site force account labor for development projects; an offer to purchase real property for acquisition projects; agency project set-up for in-house design; or, other documented evidence that a project has been initiated. Failure to meet this requirement may result in cancellation of the agreement. Funds allocated to cancelled projects will be returned to the appropriate fund for reallocation to other projects.

Control and Tenure Requirement -- All Statewide OHV Program projects must comply with the Control and Tenure policy explained on page 11. Failure to comply with this policy or to submit required documentation will result in the application being deemed ineligible and returned to the applicant.

Term of Public Use -- Projects funded through the Statewide OHV Program must be available for public use for the term specified in the Project Agreement / Attachment A found on page 100. The default term of public use is:

Facilities (real property): 25 years

Acquired Land: 99 years

The Project Agreement / Attachment A / General Provisions are included as part of the contract that all grant recipients are required to sign.

Other Issues Related to RTP Funding

Youth Conservation or Service Corps --Federal legislation encourages recipients of RTP funds to enter into contracts and cooperative agreements with qualified youth conservation and service corps because corps can help with trail construction. A *qualified youth conservation or service corps* is defined in 42 U.S.C. 12572. For more information on youth conservation and service corps, or to obtain a list of potential corps organizations, contact the National Association of Service and Conservation Corps, Suite 1000, 666 11th Street NW, Washington, D.C. 20001-4542. Phone: 202/737-6272; Fax: 202/737-6277; Email: nascc@nascc.org.

Benefits of working with corps include:

- Federal funds used to support youth conservation or service corps may be applied toward the non-Federal share of an RTP project.
- Corps organizations often are able to bring other matching funds into projects.
- Corps activities often are funded from a mix of public and private sources.
- Corps organizations often are able to recruit, hire, train, and provide advancement opportunities for economically or educationally disadvantaged people, especially young adults.

Buy America -- “Buy America” provisions apply to steel and iron used in a “Federal-aid highway construction project”. Therefore, based on the definitions of “construction” and “project” (“an undertaking”) in 23 U.S.C. § 101, the Buy America provisions will not apply to most RTP projects.

- If a trail project uses steel I-beams for a bridge, “Buy America” applies, unless the cost for that item is less than 0.1 percent of the contract or \$2,500, whichever is greater. See 23 CFR 635.410(b)(4).
- Trail grooming and maintenance equipment are not included in the “Buy America” requirement, because the trail equipment is not a “construction project” and is not permanently incorporated into the final project.
- Trail signs might be considered part of a project but the cost for the signs would have to exceed the \$2,500 threshold.

Convict Labor -- Federal law prohibits the use of convict labor for construction projects within the right-of-way of a Federal-aid highway (23 U.S.C. 114(b)). Under title 23, all public roads are “Federal-aid highways”, except those that are functionally classified as local roads or rural minor collectors. Therefore, if an RTP project is within the right-of-way of a Federal-aid highway, convict labor shall not be used. If an RTP project is **not** within the right-of-way of a Federal-aid highway, then 23 U.S.C. 114(b) does not apply.

Unless the Recreational Trails Program project is within the right-of-way of a Federal-aid highway, an applicant should follow its own procedures with regard to convict labor. RTP funds may be used to pay for construction costs incurred by convict labor for projects which are not within the right-of-way of a Federal-aid highway. In determining the value of convict labor, an applicant should note that the value of paid labor may not exceed the actual cost incurred by the applicant. Convict labor is not volunteer labor or donated labor (skilled only, which may be valued at fair market value).

Construction Engineering, Planning, and Environmental Costs -- Construction engineering costs (including allowable costs for environmental evaluation and documentation, permits, or approvals) may be reimbursed. However, reimbursement will not be permitted for costs incurred prior to the date of program authorization by FHWA and execution of a project agreement with the Arizona State Parks Board.

Construction design and engineering costs and other costs incurred during the project are limited to not more than 10% of the awarded grant amount. These costs must meet eligibility requirements and be identified and requested in the application as a scope item. Planning costs specific to the proposed project which may be part of an overall trail project can be included in construction design and engineering costs and are

included in this limitation only if they are incurred after the Project Agreement is executed.

Environmental Evaluation and Documentation Costs -- A project proposal solely for the purpose of covering environmental evaluation and documentation costs is not eligible for RTP funding. However, reasonable environmental evaluation and documentation costs – including costs associated with environmental permits and approvals – may be included as part of an approved project's construction engineering costs. These costs must be included with the construction design and engineering costs requested in the application and are limited by the 10% cap.

Disadvantaged Business Enterprises (DBE) – Applicants who seek competitive bids for contract work must use all available processes to alert DBE's of these opportunities.

RTP Matching Requirements

RTP funds may be matched with funds available under other Federal funding programs, if the project also is eligible for funding under the other Federal program. Federal funds received by any applicant from another Federal program may be credited as if they were the non-Federal share, and may be used to match RTP project funds up to 100% of the total project cost.

However:

- Funds from Federal agency applicants must be credited as additional Federal share, not a part of the non-Federal share.
- Other Federal program funds may require a non-Federal share.
- Although other Federal program funds may be used to match RTP funds, this does not mean that RTP funds may be used to match other Federal program funds. For example, although Federal Transportation Enhancement (TE) funds may be used to match RTP funds, RTP funds may not be used to match TE funds.

Examples of other Federal programs which may be used to match RTP funds include:

- State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512)
- HUD Community Development Block Grants (42 U.S.C. 5301 et seq.).
- Public Works Employment Act of 1976 (42 U.S.C. 6701 et seq.).
- Job Training Partnership Act of 1982 (29 U.S.C. 1501 et seq.).
- National and Community Service State Grant Program (42 U.S.C. 12501 et seq.).
- Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Pub. L. 104-193; 42 U.S.C. 401 et seq.).
- Federal-aid highway program funds, such as the Federal Lands Highway Program, National Scenic Byways Program, and Transportation Enhancement Activities (23 U.S.C. 101 et seq.).
- Funds made available under the Federal Emergency Management Administration.
- Federal funds made available to Indian tribes.
- Challenge Cost-Share programs of Federal land management agencies.

Federal program funds for youth conservation or service corps provide an opportunity to use qualified youth conservation or service corps for construction and maintenance of recreational trails under the RTP.

Indian tribal funds may be used as non-Federal match for the purposes of this program regardless of the source of the funds. This may include Federal lands highway funds.

The non-Federal matching share for federal applicants is a minimum requirement. Any applicant may provide a larger non-Federal share.

An applicant (except for Federal agencies) may donate funds, materials, services (including volunteer labor), or new right-of-way to be credited to the non-Federal share of an RTP project.

Federal applicants may provide funds, materials, or services as part of the Federal share, but may not provide new right-of-way.

New right-of-way means the value of land lawfully acquired for the purpose of the recreational trail project. It does not include the value of land already under ownership or managed by a public entity. For example:

- If a town government (land trust, State park, etc.) lawfully purchased new land for the purpose of constructing a trail or trail facility or to protect a trail corridor, the value of the purchase may be credited to the non-Federal share.

However:

- The town (land trust, State park, etc.) may not use the value of land within a previously established town park (land trust, State park, etc.) as credit to the non-Federal share.
- The town may not use the value of land transferred from the control of one town agency to another as credit to the non-Federal share, (such as a transfer from a town development authority to a town park authority); a transfer of control from one municipal authority to another does not constitute a purchase of new right-of-way.

The RTP legislation prohibits using RTP funds for condemnation of any kind of interest in property. It is not permissible to use the value of condemned land toward the matching requirement for an RTP project.

REQUIRED FORMS CHECKLIST

To be eligible for funding consideration, each application must include all numbered items below and any supporting documents that are pertinent to the project. A detailed explanation of eligibility is provided for each item.

All documents requiring the applicant's signature must be signed by the agent authorized in the resolution to execute and submit documents on behalf of the applying entity. The authorized agent must submit a written list of any other persons who will be signing and submitting documents during the period of the project.

**DO NOT STAPLE OR BIND THE APPLICATION OR COPIES.
CLIPPING IS SUFFICIENT.**

- ☐ **A. FY 2012 Statewide OHV Program Certified Grant Application Form**
- ☐ **B. Applicant Resolution/Authority to Apply** (versions for all applicants)
- ☐ **C. Control & Tenure Documents**
- ☐ **D. Americans with Disabilities Act (ADA) certification**
- ☐ **E. SHPO REVIEW FORM / SHPO Historic Property Inventory Form / SECTION 106 Documentation / NEPA (Environmental Determination Form)**

A "complete" application must include **ONE (1) ORIGINAL** of each item listed in A through D and **SEVEN (7) SETS** of items E through I and supporting documentation. ASP must receive complete applications by 5:00 p.m. on March 16, 2012 to be eligible for grant funding consideration.

- ☐ **F. Project Scoring Criteria**
- ☐ **G. Estimated Project Cost Sheet / Scope Item Breakdown Sheets**
- ☐ **H. Four 4" x 6" Color Photographs (LANDSCAPE LAYOUT ONLY)**
- ☐ **I. Maps & Plans**

FY 2012 STATEWIDE OHV PROGRAM CERTIFIED GRANT APPLICATION FORM

Project Sponsor Information

1. Project Sponsor Name	4. Third Party
2. Project Sponsor Address	5. Third Party Address
3. Project Contact: Name Title Telephone Fax E-mail	6. Third Party Contact: Name Title Telephone Fax E-mail

Project Information

7. Project Title	8. Congressional District #	9. AZ Legislative District #	10. County
-------------------------	------------------------------------	-------------------------------------	-------------------

11. Brief Description of Project

12. Project Funding Amount		
Grant Request (____%)	Match Amount* (____%)	Total Project Cost (100%)
\$	\$	\$

* Applicant match must equal at least 10% of the total project costs.

13. Certification (This form must be signed for the application to be considered complete.)
I hereby certify that the information in this application is true and correct to the best of my knowledge.

Authorized Agent _____ **Date** _____

Typed Name and Title: _____

SAMPLE LETTER
RE: CONTROL AND TENURE / AUTHORITY TO APPLY
(for Federal and Tribal Applicants
and the State Land Department ONLY)

Arizona State Parks
Recreational Trails Grants Coordinator
1300 W. Washington
Phoenix, AZ 85007

Dear Sir:

The intent of this letter is to provide evidence of control and tenure of the project site and authority to apply as required by the application for (project name).

Evidence of Control and Tenure: All improvements proposed in this grant application are compatible with the approved land use plan of the (forest, field office, tribe, ASLD) and will be constructed on land that is within the boundaries of and under the management of the (forest, field office, tribe, ASLD). These lands are not classified or have been identified as base-for-exchange and will be available for public use for the term of this agreement.

Authority to Apply: The (forest, field office, tribe, ASLD):

- Approves the filing of an application for Statewide OHV Program fund assistance;
- Certifies that the application is consistent and compatible with all adopted plans and programs of the (forest, field office, tribe, ASLD) for motorized trails facility developments;
- Agrees to comply with all appropriate procedures, guidelines, and requirements established by the Arizona State Parks Board (Board) as a part of the application process;
- Certifies that (forest, field office, tribe) will comply with all appropriate state and federal regulation, policies, guidelines and requirements as they relate to the application;
- Certifies that (forest, field office, tribe, ASLD) has matching funds in the amount of \$_____ from: (list sources) _____ and;
- Appoints the (generic title or specific individual) _____ as agent of the (official name of forest, field office, tribe, ASLD) to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

Signature of appropriate authority

*This is a sample and may be edited as needed by the applying entity.
If altered, it is essential that all conditions in the sample are addressed.*

SAMPLE RESOLUTION
(for Non-Federal Entity Applicants ONLY)

Resolution No.

RESOLUTION OF THE

(Applicant Name)

APPROVING THE APPLICATION FOR A STATEWIDE OHV PROGRAM GRANT

(Name of Project)

WHEREAS, the Congress of the United States has authorized the Recreational Trails Program (RTP) as a federal-aid assistance program to help states provide and maintain recreational trails for motorized and non-motorized recreational use, and the State Of Arizona has established the Off-Highway Vehicle Recreation Fund to fund a variety of off-highway vehicle recreations projects, and these funds are available to eligible applicants for acquiring lands and developing facilities for public off-highway vehicle purposes; and

WHEREAS, Arizona State Parks Board (BOARD) is responsible for the administration of the OHV Program within the State, setting up necessary rules and procedures governing application by eligible applicants under the program; and

WHEREAS, said adopted procedures established by the BOARD require the applicant to certify by resolution the approval of applications, signature authorization, the availability of local matching funds (if applicable), and authorization to sign a Project Agreement with the BOARD prior to submission of said applications to the BOARD; and

NOW, THEREFORE, BE IT RESOLVED THAT (Applicant's Governing Body) hereby:

1. Approves the filing of an application for Statewide OHV Program assistance, and
2. Certifies that the application is consistent and compatible with all adopted plans and programs of (Applicant's Governing Body) for motorized trails facility development; and
3. Agrees to comply with all appropriate procedures, guidelines, and requirements established by the BOARD as a part of the application process; and
4. Certifies that (Applicant) will comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application; and

5. If applicable, certifies that _____ (Applicant) has matching funds in the amount of \$ _____ from the following sources _____; and
6. Appoints the _____ (Title - can be more than one person) as agent of _____ (Applicant's Governing Body) to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

I, the undersigned, _____, being the duly appointed and qualified (Office Held) _____ of _____ (Applicant) _____, certify that the foregoing Resolution No. _____ is a true, correct and accurate copy of Resolution No. _____ Passed and adopted at a regular meeting of _____ (Applicant) _____, held on (month) _____, (day) _____, (year) _____ at which a quorum was present and voted in favor of said (month) _____ (day) _____, (year) _____ Resolution.

Signed by:

Date

Approved As To Form:

Attorney:

Date

ORGANIZATION REQUIREMENTS

Organizations, clubs, businesses, and any groups (hereafter referred to as “organizations”) that can meet the terms of the grant program and enter into a project agreement **are eligible applicants**.

Non-profit organizations must submit the NON-PROFIT CERTIFICATION STATEMENT / AUTHORITY TO APPLY form on page 66.

All other organization applicants must submit the ORGANIZATION AUTHORITY TO APPLY form on pages 67-68.

All organization applicants must submit the following financial information in addition to the required forms A through E:

- Organization By-Laws and/or Statements of goals and objectives of the applicant organization.
- Previous two year’s operating budgets or records of income and expenditures and a recent bank statement verifying reasonable funds available to meet budget needs.
- Articles of Incorporation, 501c(3) certification, if appropriate
- IRS determination letter evidencing tax status as of December 31, 2011 (most recent available), if applicable.
- Two most recent annual reports to the Arizona Corporation Commission (preferably the last 2 annual reports, if available), **or** equivalent tribal commission report(s) if incorporated under tribal law
- A document from the land owner:

- *The document may be as simple as a letter on agency letterhead, but it must state the following:*
- *The entity must state that the proposed project addresses a need or condition acknowledged as a high priority by the entity and organization.*
- *The entity must state that the organization has the support of the entity and authority to access the project site and implement the proposed improvements.*
- *The entity and the organization must agree that the improvements become the property of the entity and that the entity will maintain the improvements in a condition suitable and available for safe public use for a period of time commensurate with the cost of the improvement to reasonably justify the investment of grant funds.*
- *The entity must advise State Parks of any proposed changes in the use of the developed property.*

NONPROFIT CERTIFICATION STATEMENT / AUTHORITY TO APPLY

I, _____, being duly sworn, depose, state and certify as follows:

1. I am the _____ of _____, a non profit corporation duly organized under the laws of the State of _____. ("Corporation");
2. The Corporation is a valid, existing nonprofit corporation in good standing under the laws of the State of Arizona;
3. The Corporation has the full authority to enter into the foregoing Statewide OHV Program Grant Application (the "Application");
4. The Corporation has undertaken all actions necessary to enter into the Application and any and all contracts or obligations related thereto;
5. The Corporation is currently a tax exempt entity under the terms of the Section 501(c)(#) of the United States Internal Revenue Code;
6. The Corporation intends to maintain its status as a tax exempt entity under the terms of the Section 501(c)(#) of the United States Internal Revenue Code and shall take all actions necessary to maintain that status;
7. All materials, exhibits, attachments, forms, statements, certifications, question responses, answers and all other documents provided by the Corporation in the Application are true and correct;
8. The Corporation, if awarded a Grant, intends to comply with all terms and conditions of the Application and the contracts and obligations related thereto; and
9. I am executing this Certification under oath and voluntarily submitting the materials, documents, question responses and any and all other information with the knowledge that false or incomplete materials, documents, question responses or other information could result in criminal prosecution, denial or subsequent revocation of a Grant.

STATE OF ARIZONA)
County of _____)

THE FOREGOING CERTIFICATION was subscribed and sworn before me this _____ day of _____, 20__, by _____, the _____ of _____, a non profit corporation, on behalf of that corporation.

Notary Public
My Commission Expires:

ORGANIZATION AUTHORITY TO APPLY
(unincorporated and non-501c incorporated applicants ONLY must complete.)

APPROVAL OF APPLICATION FOR: _____ (Applicant Organization) _____

STATEWIDE OHV PROGRAM GRANT

WHEREAS, the Congress of the United States has authorized the Recreational Trails Program (RTP) as a federal-aid assistance program to help states provide and maintain recreational trails for motorized and non-motorized recreational use, and the State Of Arizona has established the Off-Highway Vehicle Recreation Fund to fund a variety of off-highway vehicle recreations projects, and these funds are available to eligible applicants for acquiring lands and developing facilities for public off-highway vehicle purposes; and

WHEREAS, Arizona State Parks Board (BOARD) is responsible for the administration of the OHV Program within the State, setting up necessary rules and procedures governing application by eligible applicants under the program; and

WHEREAS, said adopted procedures established by the BOARD require the applicant to certify by resolution the approval of applications, signature authorization, the availability of local matching funds (if applicable), and authorization to sign a Project Agreement with the BOARD prior to submission of said applications to the BOARD; and

NOW, THEREFORE, BE IT RESOLVED THAT _____ (Applicant Organization) hereby:

1. Has conducted a properly noticed meeting of the general membership and voted to approve the filing of an application for funds from the Statewide OHV Program; and
2. Certifies that the application is consistent and compatible with all adopted plans and programs of _____ (Applicant Organization) _____ for participation in the proposed project; and
3. Agrees to comply with all appropriate procedures, guidelines, and requirements established by the BOARD as a part of the application process; and
4. Certifies that _____ (Applicant Organization) _____ will comply with all appropriate state and federal regulations, policies, guidelines, and requirements as they relate to the application; and
6. Appoints the _____ (Title - can be more than one person) as agent of _____ (Applicant Organization) _____ to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, amendments, billing statements, and so on which may be necessary for the completion of the aforementioned project.

I, the undersigned, _____, being the duly appointed and qualified as _____ (Office Held) of _____ (Applicant Organization), certify that the authority to apply for this grant was approved by majority vote at a regular meeting of _____ (Applicant Organization), held on _____ (month), _____ (day), _____ (year) at which a quorum was present.

Signed by:

Date

Approved As To Form:

Attorney (if appropriate):

Date

Arizona State Parks Board
ASSURANCE OF COMPLIANCE
Title II, Americans with Disabilities Act of 1990
P.L. 101-336, 42 U.S.C. Chapter 126

(Name of Applicant Entity / Organization)

THE UNDERSIGNED ACKNOWLEDGES AWARENESS OF AND THE
RESPONSIBILITY TO COMPLY WITH THE FOLLOWING:

Title II, of the Americans with Disabilities Act, ("ADA") and federal department
regulations on its implementation.

It is understood that recipients of Statewide OHV Program project funds are required to
comply with Title II of the ADA and those regulations of federal departments and
agencies on its implementation. The ADA and federal department regulations mandate
that: No qualified individual with a disability shall, on the basis of disability, be excluded
from participation in or be denied the benefits of the services, programs or activities of a
public entity, or be subjected to discrimination by any public entity. See 28 CFR Part
35.

This assurance is effective as of the date of state approval of funds and throughout the
period during which real or personal property is used.

Signature of Authorized Agent

Date

Applicant-Recipient

Applicant-Recipient's Mailing Address

STATE HISTORIC PRESERVATION OFFICE REVIEW FORM

The State Historic Preservation Office (SHPO) must review each grant application recommended for funding in order to determine the effect, if any, a proposed project may have on archaeological or cultural resources. To assist the SHPO in this review, the applicant is required to submit the following information with each application for funding assistance:

1. A completed copy of this form, and
2. Any 7.5' USGS maps relative to this project are REQUIRED, and
3. A copy of the cultural resources survey report if a survey of the property has been conducted, and
4. A copy of any comments of the land managing agency/landowner (i.e., state, federal, county, municipal) on potential impacts of the project on historic properties. NOTE: If a federal agency is involved, the agency must consult with SHPO pursuant to the National Historic Preservation Act (NHPA); a state agency must consult with SHPO pursuant to the State Historic Preservation Act (SHPA), **OR**
5. A copy of SHPO comments if the survey report has already been reviewed by SHPO.

Grant Program: _____ Project Title: _____

Applicant Name and Address: _____

Current Land Owner/Manager(s): _____

Project Location -- including Township, Range and Section: _____

Please answer the following:

1. Total project area in acres (or total miles if trail): _____
2. Does the proposed project have the potential to disturb the surface and/or subsurface of the ground? _____ YES _____ NO
3. Please provide a brief description of the proposed project and specifically identify any surface or subsurface impacts that are expected. Attach extra sheets if more space is needed.

4. Describe the condition of the current ground surface within the entire project boundary area (for example, is the ground in a natural undisturbed condition, or has it been bladed, paved, graded, etc.). Estimate horizontal and vertical extent of existing disturbance. Attach extra sheets if more space is needed. Attach photos of project area to document condition.

5. Are there any known prehistoric and/or historic archaeological sites in or near the project area? _____YES _____NO

6. Has the project area been previously surveyed for cultural resources by a qualified archaeologist? _____YES _____NO _____UNKNOWN

If yes, please submit a copy of the survey report. Please attach any comments on the survey report made by the land managing agency and/or SHPO.

7. Are there any buildings or structures (including mines, bridges, dams, canals, etc.) which are 50 years or older in or adjacent to the project area? _____YES _____NO

If YES, complete an Arizona Historic Property Inventory Form for each building or structure, attach it to this form, and submit it with your application.

8. Is your project area within or near a historic district? _____YES _____NO

If YES, name of district _____

Please sign on the line below certifying all information provided for this application is accurate, to the best of your knowledge.

_____/_____
Applicant Signature /Date Applicant Printed Name
Phone Number _____

FOR SHPO USE ONLY

SHPO Recommendation:

_____ Funding this project should not affect historic properties

_____ Survey necessary – further SHPO consultation required

_____ Cultural resources present – further SHPO consultation required

SHPO Comments:

For State Historic Preservation Office

Date

STATE OF ARIZONA

HISTORIC PROPERTY INVENTORY FORM

Please type or print clearly. Fill out each applicable space accurately and with as much information as is known about the property.

PROPERTY IDENTIFICATION

For Properties identified through survey: Site No. _____ Survey Area _____

Historic Name(s) _____

(Enter the name(s), if any, that best reflects the property's historic importance.)

Address _____

City or Town _____ [] vicinity County _____ Tax Parcel No. _____ - _____ - _____

Township _____ Range _____ Section _____ Quarters _____ Acreage _____

Block _____ Lot(s) _____ Plat (Addition) _____ Year of plat (addition) _____

UTM reference: Zone _____ Easting _____ Northing _____

USGS 7.5' quadrangle map: _____

ARCHITECT _____ [] not determined. [] known Source _____

BUILDER _____ [] not determined [] known Source _____

CONSTRUCTION DATE _____ [] known [] estimated Source _____

STRUCTURAL CONDITION

[] Good (well maintained; no serious problems apparent)

[] Fair (some problems apparent) Describe: _____

[] Poor (major problems; imminent threat) Describe: _____

[] Ruin/Uninhabitable

USES/FUNCTIONS

Describe how the property has been used over time beginning with the original use.

Sources _____

PHOTO INFORMATION

Date of photo _____

View Direction (looking towards) _____

Negative No. _____

Attach a recent photograph of property in this space.
Additional photos may be appended.

SIGNIFICANCE

To be eligible for the National Register, a property must represent an important part of the history or architecture of an area. The significance of a property is evaluated within its historic context, which are those patterns, themes, or trends in history by which a property occurred or gained importance. Describe the historic and architectural contexts of the property that may make it worthy of preservation.

A. HISTORIC EVENTS/TRENDS. *Describe any historic events/trends associated with the property* _____

B. PERSONS. *List and describe persons with an important association with the building* _____

C. ARCHITECTURE. Style _____ []

no style

Stories _____ . Basement _____ Roof form _____

Describe other character-defining features of its massing, size, and scale _____

INTEGRITY

To be eligible for the National Register, a property must have integrity, i.e., it must be able to visually convey its importance. The outline below lists some important aspects of integrity. Fill in the blanks with as detailed a description of the property as possible.

[] LOCATION [] Original site [] Moved: date _____ original site _____

DESIGN. *Describe alterations from the original design, including dates* _____

MATERIALS. *Describe the materials used in the following elements of the property.*

Walls (structure) _____ Walls (sheathing) _____

Windows _____

Roof _____ Foundation _____

SETTING. *Describe the natural and/or built environment around the property* _____

How has the environment changed since the property was constructed? _____

WORKMANSHIP. *Describe the distinctive elements, if any, of craftsmanship or method of construction* _____

NATIONAL REGISTER STATUS (if listed, check the appropriate box)

[] Individually Listed [] Contributor [] Non-contributor to _____ Historic District

Date Listed _____ [] Determined eligible by Keeper of National Register (date _____)

RECOMMENDATIONS ON NATIONAL REGISTER ELIGIBILITY (opinion of SHPO staff or survey consultant)

Property [] is [] is not eligible individually.

Property [] is [] is not eligible as a contributor to a listed or potential historic district.

[] More information needed to evaluate.

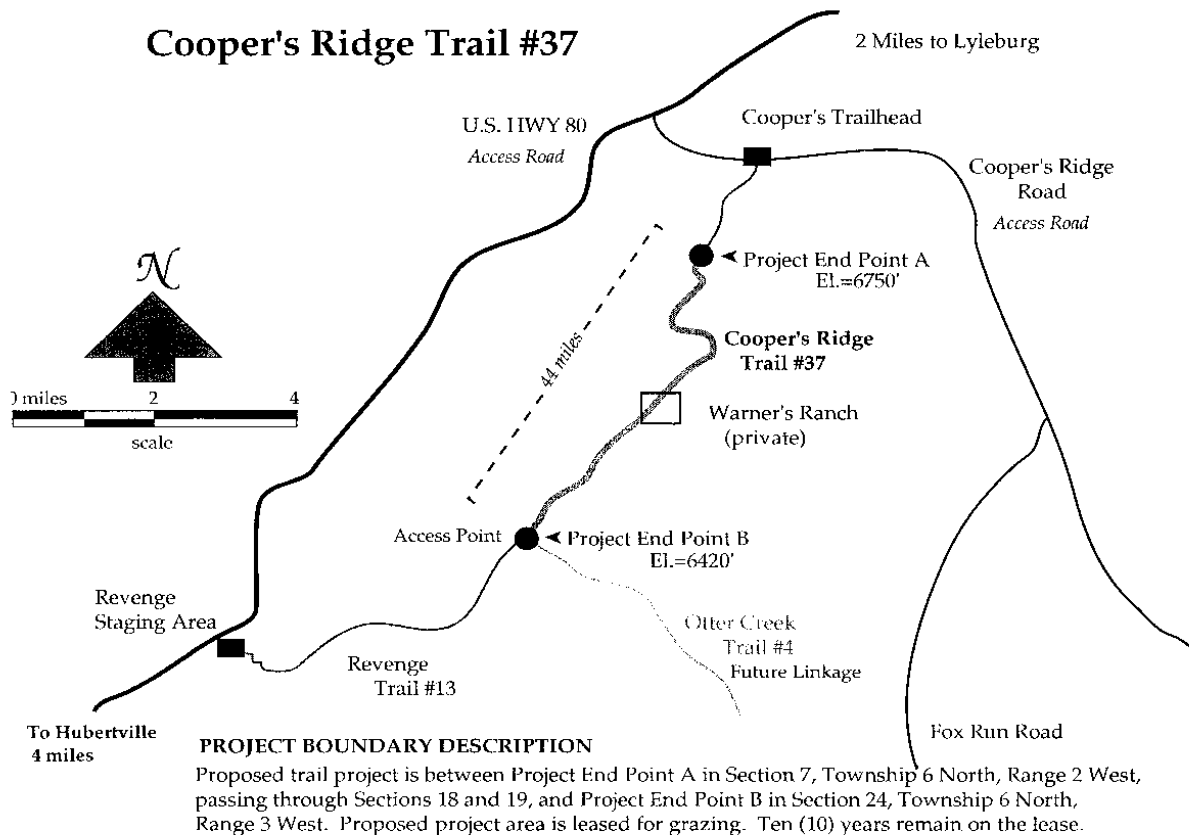
If not considered eligible, state reason: _____

TRAIL LOCATION / PROJECT BOUNDARY MAP

A map shall be submitted with each application that specifically delineates the proposed project location.

The map shall identify the following items:

- North arrow, scale, project title, and date prepared.
- Project boundaries and list at the bottom of the sheet the Section, Township and Range where the proposed trail project is located.
- Elevation at project endpoints or project site.
- Nearest town or city and distance from project.
- List at the bottom of the sheet any areas under lease and term remaining on lease(s). Note area(s) on map.
- Note at bottom of sheet, any known outstanding rights and interests in the project area held by others (easements, water rights, subsurface mineral rights, etc.).
- Length of trail segment under this project proposal (Project End Point A to Project End Point B).
- Identify other trail or road access to the project trail.
- List any future trail linkages planned.
- Map must be printed on 8 1/2 x 11 page. Additional pages may be added if necessary.



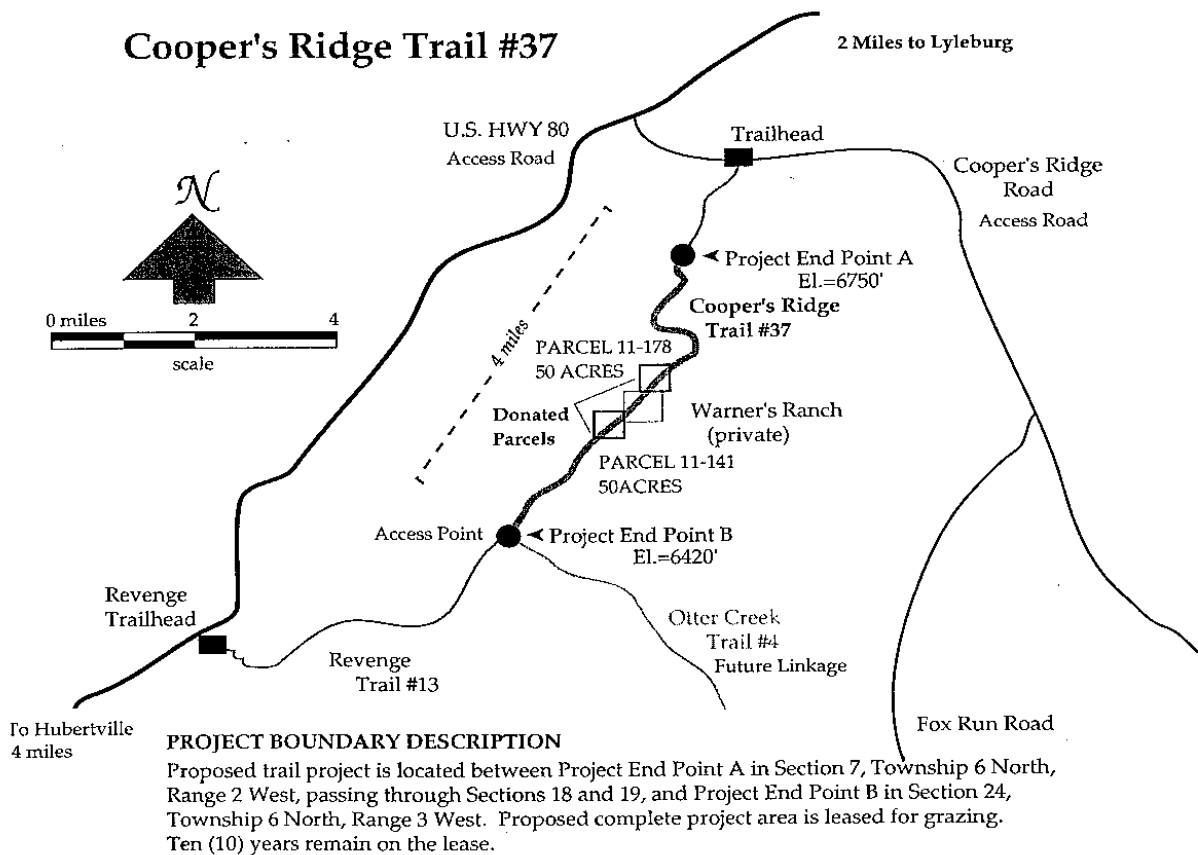
ACQUISITION PARCEL MAP

(This map is required only if acquisition or donation of property is included in the scope of the project.)

A map shall be submitted with each application identifying all property to be acquired or donated under the proposed project.

The map shall identify the following items:

- North arrow, scale, project title, and date prepared.
- Property lines.
- Project boundaries and Section, Township and Range for where the proposed trail project is located.
- Parcel numbers and parcel sizes.
- Existing development (include overhead utilities and/or easements).
- Surrounding land uses.
- Map must be printed on 8 1/2 x 11 page. Additional pages may be added if necessary.



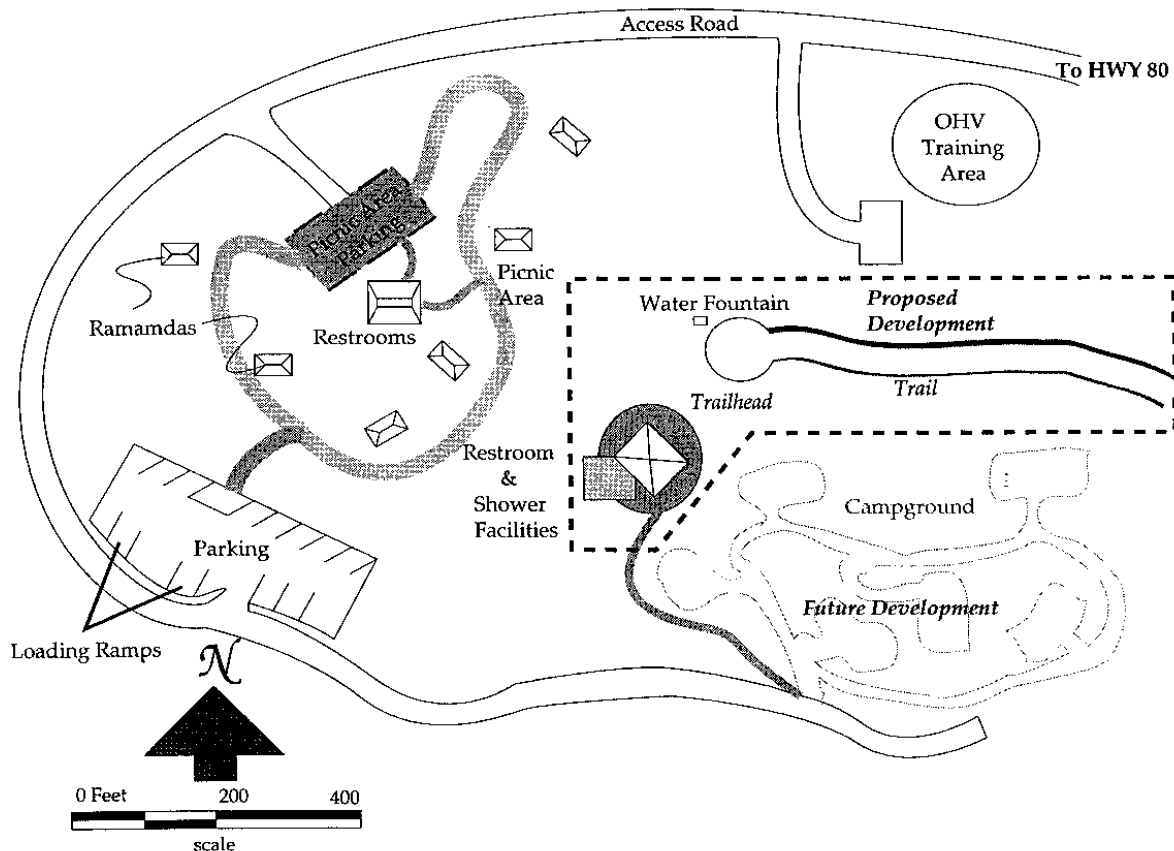
SITE PLAN

Trailheads or Site-Specific Trail Projects

A Site Plan shall be submitted with each application and shall identify the following items:

- North arrow, scale, project title, and date prepared.
- Existing site development.
- Proposed project development.
- Show planned future development when this application is for acquisition only.
- Surrounding land uses.
- Any ADA Standard facilities and/or access points.
- Identify other trail or road access to the project trail.
- Map must be printed on 8 1/2 x 11 page. Additional pages may be added if necessary.

Revenge Trailhead



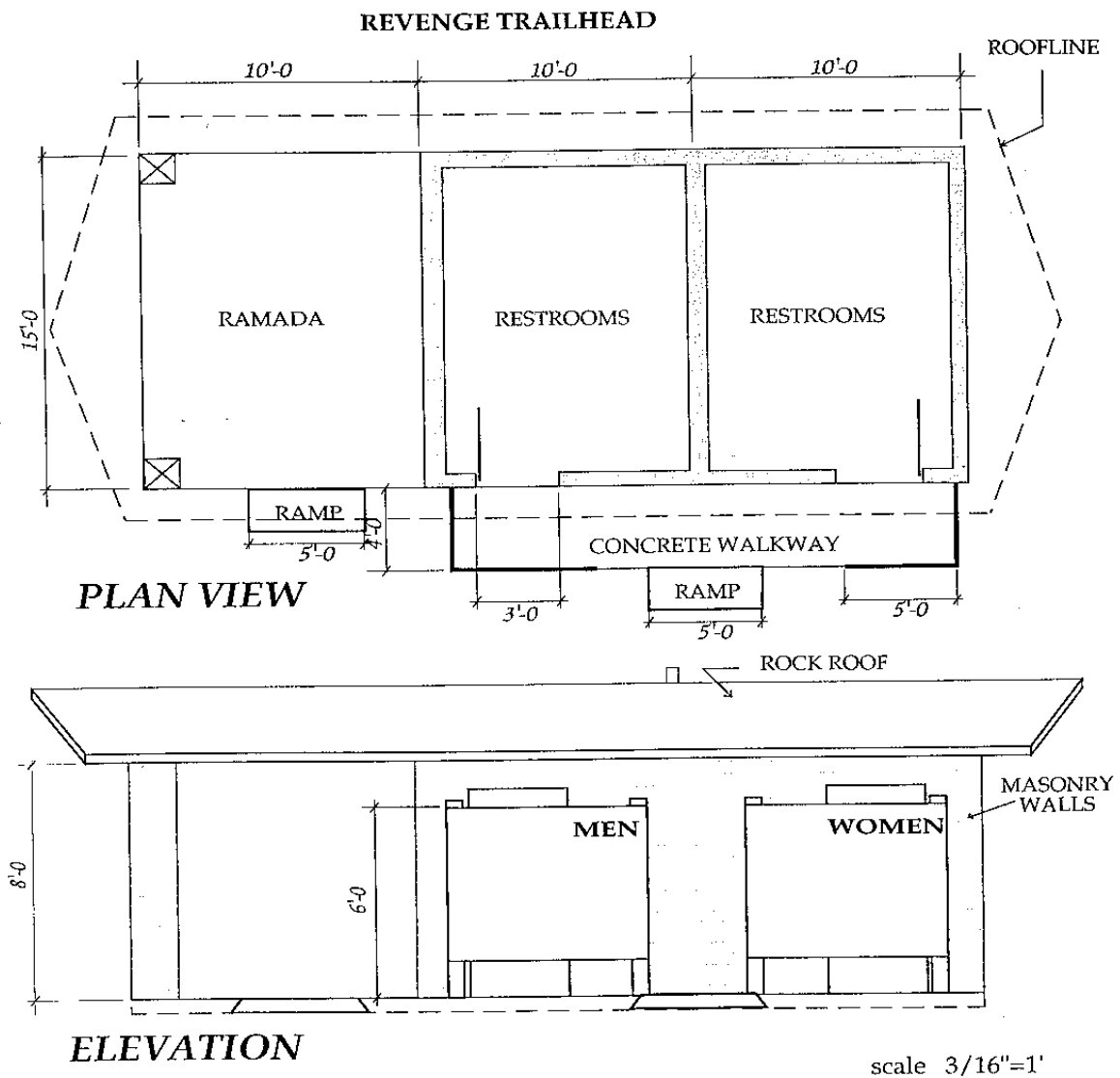
FLOOR PLANS

Preliminary Floor and Elevation Plans

Preliminary construction drawings of floor plans for all proposed structures shall be submitted with each application.

An elevation must be shown to indicate the architectural treatment.

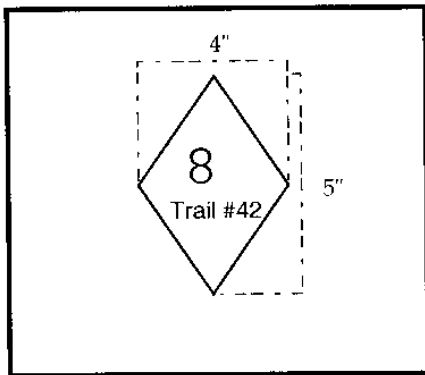
Remember that structures must be designed and built as per the Architectural Barriers Act of 1968 and A.R.S. § 34-401 and Title II, Americans with Disabilities Act of 1990.



SIGNAGE DESIGN PLAN

Provide a sketch or drawing of each type of sign or trail marker that is a part of the project. Include the type of sign, sign location, width and height of the sign, sign material, and a sample of what will be printed on the sign or trail marker.

SAMPLE



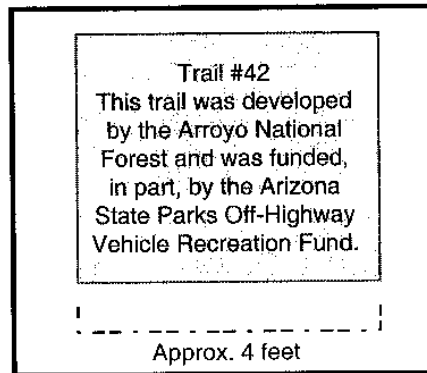
Type of Sign: Trail Marker

Sign Location(s): These signs will be tacked to trees along the length of the trail.

Dimensions: 4" x 5"

Composition: Carsonite™

of Similar Signs: 15



Type of Sign: Trailhead sign

Sign Location(s): Trailhead sign will be located where the trail connects to the trailhead.

Dimensions: 4' x 3'

Composition: The wording will be engraved into a redwood sign. The wood will be polished, sanded and weather-proofed.

of Similar Signs: 2

Arizona State Parks/Federal Highway Administration

Recreational Trails Program Environmental Determination

Arizona State Parks Project Number:	Project Sponsor:
Federal Highways Project Number:	Sponsor Match Source:
Tracs Number:	Estimated Project Cost:
Project Name:	County/Legislative District:

Reviewed By: [Original signature] Date: _____
[Name of project sponsor]
[Name or agency]

Reviewed By: [Original signature] Date: _____
[Name of consultant project manager]
[Name of firm or agency]

FHWA Approved By: _____ Date: _____

EMAILED by FHWA TO: AZ State Parks - RBB2@AZSTATEPARKS.GOV Date: _____

Enclosed Attachments

- ☐ State Historic Preservation Office letter of concurrence
- ☐ Coordination letters
- ☐ Tribal Consultation letter
- ☐ Arizona Game and Fish Department Correspondence
- ☐ Section 404 Permit
- ☐ Desert Tortoise Handling Guidelines
- ☐ State, local, and project maps
- ☐ Biological Reports
- ☐ Other _____

Refer to Federal Highways Administration guidelines for applicable regulations.
<<http://environment.fhwa.dot.gov/guidebook/index.htm>>

Refer to Arizona Department of Transportation guidelines for applicable regulations.
<<http://www.azdot.gov/Highways/EEG/Index.asp#>>

Project Description

Existing Conditions (Attach state and vicinity maps as Figure 1, and Figure 2, respectively. Include additional maps as needed.) Description should include project need, purpose and scope of work.

Land Ownership and Land Use

<u>Location</u>	<u>Owner</u>	<u>Land Use</u>
MP to MP	agency/private	designated

Right-of-Way/Easements

- ☐ No new right(s)-of-way or easement(s) is required for construction of this project.
- ☐ New right(s)-of-way or easement(s) is required for construction of this project.
- ☐ _____ [acreage] of new right-of-way from _____ (ownership/jurisdiction)
- ☐ _____ [acreage] of temporary _____ (construction, utility, maintenance, etc.)

easement

Specific parcel(s) information:

Other

Land Management Authority

	Not present	Present	Comment
Tribal	<input type="checkbox"/>	<input type="checkbox"/>	Tribe(s):
Federal	<input type="checkbox"/>	<input type="checkbox"/>	Agency(ies):
State	<input type="checkbox"/>	<input type="checkbox"/>	Agency (ies):

Impacts on the Natural Environment

Sensitive Biological Resources			
1. Threatened/Endangered Species	<input type="checkbox"/>	<input type="checkbox"/>	BR
2. Federal Sensitive Species/Habitat	<input type="checkbox"/>	<input type="checkbox"/>	BR
3. Tribal Sensitive Species/Habitat	<input type="checkbox"/>	<input type="checkbox"/>	BR
4. AZ Species of Concern/ Habitat	<input type="checkbox"/>	<input type="checkbox"/>	BR
5. Native Plants	<input type="checkbox"/>	<input type="checkbox"/>	Date of survey:
6. Other Wildlife and Habitat Concerns	<input type="checkbox"/>	<input type="checkbox"/>	Agency commenting and date of comment:
Invasive Species*	<input type="checkbox"/>	<input type="checkbox"/>	Name and organization and date of survey:
Section 404 Waters of the US	<input type="checkbox"/>	<input type="checkbox"/>	Permit type and number:
Section 401	<input type="checkbox"/>	<input type="checkbox"/>	Certification type:
Wetland Areas	<input type="checkbox"/>	<input type="checkbox"/>	
Riparian Areas	<input type="checkbox"/>	<input type="checkbox"/>	
Visual Resources	<input type="checkbox"/>	<input type="checkbox"/>	
Prime or Unique Farmlands	<input type="checkbox"/>	<input type="checkbox"/>	NRCS map section:
Section 4(f) Resources (<i>wildlife refuge</i>)	<input type="checkbox"/>	<input type="checkbox"/>	

Impacts on Cultural Resources

Archaeological/Historic Resources	<input type="checkbox"/>	<input type="checkbox"/>	Report and concurrence date:
Section 4(f) Resources (<i>cultural</i>)	<input type="checkbox"/>	<input type="checkbox"/>	

Impacts on Socioeconomic Resources

	Not Applicable	Applicable	
Residential Property(s) Affected	<input type="checkbox"/>	<input type="checkbox"/>	
Commercial Property(s) Affected	<input type="checkbox"/>	<input type="checkbox"/>	
Temporary/Permanent Access	<input type="checkbox"/>	<input type="checkbox"/>	
Section 4(f) Resources (<i>recreation</i>)	<input type="checkbox"/>	<input type="checkbox"/>	

Physical/Construction Impacts

AZPDES/NPDES	<input type="checkbox"/>	<input type="checkbox"/>	
Other	<input type="checkbox"/>	<input type="checkbox"/>	

Public Involvement

	Date contacted	Method of notification	Comment	Response
Agency Coordination (as applicable)				
Bureau of Indian Affairs				
Bureau of Land Management				
Bureau of Reclamation				
Environmental Protection Agency				
US Army Corps of Engineers				
US Coast Guard				
US Fish and Wildlife Service				
USDA Forest Service				
National Park Service				
State Historic Preservation Office				
Tribal Historic Preservation Office				
Arizona Fish and Game Department				
Department of Public Safety				
County				
Local Municipality				
Other				

Public Meeting(s)

- ☐ Public meeting was not required. [*Explain:*]
- ☐ Public meeting(s) was (were) held.
- Date(s) and location(s).
 - Number of attendees.
 - Method(s) of notification.
 - Handout materials.
- ☐ No ☐ Yes—see attached
- Comments [*summarize*].
 - Responses [*summarize*].

Sensitive Biological Resources

1. Threatened and Endangered Species

A BR, BE or a BA&E was prepared, and an effects determination made for each species. *[Include name of report and date of approval by ADOT.]*

- ☐ The project will not affect listed, threatened, endangered, proposed, or candidate species or designated critical habitat.
 - 1. Species given a detailed analysis:
 - 2. No affect because:
- ☐ The project may affect but is not likely to adversely affect listed, threatened, endangered, proposed, or candidate species or designated critical habitat.
 - 1. Species name[s] with a may affect:
 - 2. Justification of species with a may affect.
 - 3. Required mitigation measures.
 - 4. Date of USFWS concurrence letter. _____
 - 5. Statement of no affect to other species.
- ☐ The project may affect and is likely to adversely affect listed, threatened, endangered, proposed, or candidate species or designated critical habitat.
 - 1. Species name[s] with a may affect:
 - 2. Justification of species with a may affect.
 - 3. Required mitigation measures.
 - 4. Date of USFWS concurrence letter. _____
 - 5. Statement of no affect to other species.

2. Federal Sensitive Species

- ☐ Coordination with *[land managing agency]* has been completed. *[Describe mitigation required to protect the sensitive species.]*
- ☐ Sensitive species on the land managing agency's list were analyzed in the BE/BA&E.
 - 1. Date species list received from agency *[attach species list(s)]*.
 - 2. Species with detailed analysis and determination.
 - 3. Required mitigation measures.
 - 4. Date of land managing agency review:
- ☐ Land managing agency declined to review but a courtesy copy of the document was submitted.

3. Tribal Sensitive Species

- ☐ The project occurs on _____ *[name of Tribe]* tribal lands. *If White Mountain Apache tribal land, the Tribe completes the surveys and biological reports.*
 - 1. Species of tribal concern that were analyzed:
 - 2. Anticipated effects on the analyzed species.
 - 3. Required mitigation measures.
 - 4. Date of tribal review:

- ☐ The Tribe declined to review the document.

4. Arizona Species of Concern (Arizona Game and Fish Department)

- ☐ AGFD Coordination.
- ☐ 1. AGFD sent a Sensitive Species list.
 - ☐ 2. AGFD did not respond or did not respond with a Sensitive Species list.
- ☐ Sensitive species
- 1. Sensitive species AGFD requested specific consideration for, or species that ADOT has determined a need to address: *[List the species.]*
 - 2. Mitigation measures.

5. Native Plants (Arizona Department of Agriculture's list of protected native plants)

<<http://www.azda.gov/ESD/nativeplants.htm>>

- ☐ There are existing protected native plants within the project limits that will not be impacted. *[List applicable mitigation.]*
- ☐ Native plants impacts.
- ☐ There are existing protected native plants on federal lands in the project limits that will be impacted.
The Arizona Department of Agriculture has no jurisdiction on federal lands. *[Discuss the appropriate land-managing agency's requirements (Bureau of Land Management, National Forest, tribal lands).]*
 - ☐ Protected native plants within the construction limits will be impacted by the project; therefore, the ADOT Roadside Development Section will notify the Arizona Department of Agriculture at least 60 days prior to the start of construction to afford commercial salvagers the opportunity to remove and salvage these plants.

6. Other Wildlife and Habitat Concerns

- ☐ Riparian
 - ☐ Wetland
 - ☐ Game Species
 - ☐ Recreation Impacts
 - ☐ Wildlife connectivity
 - ☐ Other
- ☐ Comment from agency. *[State the agency and the date the comment was received and attach.]*

Mitigation Measures

Invasive Species

(Executive Order 13112, dated February 3, 1999)

- ☐ Invasive species occur. List the species:
These species are treated according to an invasive species management plan, and any necessary treatments will continue following completion of construction.

Mitigation Measures

[Include applicable mitigation from the Natural Resources Management Section report.]

Design Responsibilities [for **all** projects]

All disturbed soils that will not be landscaped or otherwise permanently stabilized by construction will be seeded using species native to the project vicinity.

Contractor Responsibilities [for **all** projects]

All earthmoving and hauling equipment shall be washed at the contractor's storage facility prior to arriving on-site to prevent the introduction of invasive species seed.

All disturbed soils that will not be landscaped or otherwise permanently stabilized by construction shall be seeded using species native to the project vicinity.

Contractor Responsibilities [for ADOT projects with invasive species on site]

All earthmoving and hauling equipment shall be washed prior to leaving the construction site to prevent invasive species seeds from leaving the site.

For Railroad Projects

*[This applies to railroad projects that do **not** meet the criteria of the railroad crossing condensed clearance memo.]*

*[When invasive species have been reported by the consultant for a **railroad** project, use the following mitigation measures]:*

In compliance with Executive Order 13112 regarding invasive species, all earthmoving and hauling equipment shall be washed prior to leaving the construction site to prevent invasive species seeds from leaving the site.

During an invasive species survey, [list invasive specie(s) found in the project area] was (were) found in the project area. Prior to project commencement, these species shall be treated by qualified personnel using an appropriate technique.

Note: *The ADOT consultant will do the invasive species surveys for railroad projects. When invasive species are found within the project area on railroad projects, include the invasive species report as an attachment to the clearance document and clearance memo. Make sure the invasive species report includes a physical description of the invasive species found and the location.*

Clean Water Act Compliance

Section 404 Permit

- ☐ **Fill or dredged material will be placed in waters of the United States.**
Area of disturbance within waters of the US ____ [*acres, cubic yards, linear feet*].
- ☐ **Nationwide Section 404 Permit from the US Army Corps of Engineers (Corps) required. [Attach permit, applicable General Conditions, and Regional Conditions.]**
Nationwide Permit (NWP) No. _____
☐ Without a Preconstruction Notification (PCN).
☐ With a Preconstruction Notification.
☐ Corps has made this determination on _____ [*date*].
- ☐ The Memorandum of Understanding between USFWS and the Corps dated March 2003 on the cactus ferruginous pygmy owl applies. [*Discuss.*]
- ☐ **Individual Section 404 Permit required.**
☐ The project is state-funded, and an individual permit is required. [*Coordinate with the ADOT EEG NEPA planner.*]
☐ The project is federally funded and an individual permit is required. [*The NEPA/404 Memorandum of Understanding (MOU) implemented in 1993/94 must be followed.*]

Section 401 Water Quality Certification

- ☐ **Certified** ☐ **Conditionally Certified** ☐ **Individually Certified**
- ☐ Project on non-tribal lands.
Section 401 Water Quality Certification is authorized by ADEQ (602.771.4502)
- ☐ Project on tribal lands, except the Fort Apache Indian Reservation.
Section 401 Water Quality Certification is authorized by the EPA. [*Contact Environmental Protection Agency, Mail Code WTR 8, 75 Hawthorn Street, San Francisco, CA 94105.*]
- ☐ Project on the Fort Apache Indian Reservation. The Section 401 Water Quality Certification is authorized by the White Mountain Apache Tribe. [928.338.2479]

Mitigation Measures

1. Section 404 Nationwide Permits Without Preconstruction Notification

[Use the following mitigation measures, and edit as appropriate.]

Contractor Responsibilities

The contractor shall comply with all terms and conditions of the attached Section 404 Nationwide Permit No. [insert *permit number*], as established by the US Army Corps of Engineers. The terms and General Conditions include, but are not limited to, the following:

[List the applicable Section 404 General and Regional Conditions. Do not number the conditions; rather, use bullets. Change “permittee” to “contractor.” Use bold face type for the title of the General Condition.]

2. Section 404 Nationwide Permits With Preconstruction Notification or Individual Permit

Contractor Responsibilities

The contractor shall comply with all terms, General and Special Conditions of the attached US Army Corps of Engineers' Section 404 Nationwide/Individual (select) Permit No. [insert *permit number here or omit if individual permit*]. The terms, General, and Special Conditions include, but are not limited to, the following:

[List the applicable Section 404 General and all Special Conditions. Do not number the conditions; rather, use bullets. Change “permittee” or “applicant” to “contractor.” Make sure the title of the General and Special Conditions are in bold face type.]

3. Section 401 Water Quality Certification

[Begin listing the applicable Section 401 conditions here. If an individual Section 401 Certification was issued, include all conditions. Do not number the conditions; rather, use bullets.]

Conditional 401 Certification

Individual 401 Certification

Wetland Areas

- ☐ **There are wetland areas within the project vicinity that will not be impacted because these areas will be avoided by construction.**
[Include necessary mitigation measures.]
- ☐ **There are wetland areas that will be impacted by the project.**
1. Proposed work in the wetland[s] *[e.g., excavation, fill, marsh disposal]*.
 2. Location of wetland[s] affected by the proposal. *[Include wetland name(s), if available. Use maps, sketches, plans showing where wetlands will be impacted, or other graphic aids.]*
 3. Observed or expected waterfowl and wildlife inhabiting or dependent on the wetland.
[List should include both permanent and seasonal residents.]
 4. FHWA Wetland Policy (23 CFR § 777)
 - ☐ Not applicable *[explain]*.
 - ☐ Individual Wetland Finding required *[summarize why there are no practicable alternatives to the use of the wetland]*.
 5. Erosion control or storm water management measures that will be used to protect the wetland.
 - ☐ Control measures *[briefly describe control measures to be used]*.
 - ☐ None will be used.
 6. Section 404 Permit: See attached Clean Water Act Compliance sheet.
 7. Wetland mitigation *[state avoidance, minimization, or mitigation as required]*.
- ☐ **The project has been coordinated with the Corps, and there have been no substantial concerns expressed over the proposed use of the wetlands.**

Mitigation Measures

Riparian Areas

☐ There are riparian areas within the project vicinity that will not be impacted because these areas will be avoided by construction. *[Include necessary mitigation measures.]*

☐ There are riparian areas that will be impacted by the project.

Note: Contact the ADOT EEG NEPA planner for guidance.

1. Proposed work in the riparian area[s] *[describe, e.g., excavation, fill]*.
 2. Location of the riparian area[s] affected by the proposal. *[Describe and include watercourse name(s), if available. Use maps, sketches, plans showing where riparian area(s) will be impacted, or other graphic aids.]*
 3. Observed or expected wildlife and plants inhabiting or dependent upon the riparian area[s]. *[List should include both permanent and seasonal residents.]*
 4. FHWA Wetland Policy (23 CFR § 777)
 - ☐ Not applicable *[explain]*
 - ☐ Individual Wetland Finding required *[summarize why there are no practicable alternatives to the use of the wetland]*.
 5. Erosion control or storm water management measures that will be used to protect the riparian area are shown on the Arizona Pollutant Discharge Elimination System sheet:
 - ☐ Yes
 - ☐ No *[briefly describe measures to be used]*
 6. Section 404 Permit: see attached Clean Water Act Compliance sheet.
 7. Riparian mitigation *[state avoidance, minimization, or mitigation as required]*.
- ☐ The project has been coordinated with AGFD and there have been no substantial concerns expressed over the proposed use of the riparian area[s].

Mitigation Measures

Contractor Responsibilities

The contractor shall submit the *[Arizona Pollutant Discharge Elimination System or National Pollutant Discharge Elimination System—select the appropriate one]* Notice of Intent and the Notice of Termination to the *[Arizona Department of Environmental Quality or Environmental Protection Agency—select the appropriate one]*.

For railroad projects:

Because the project is federally funded, the *[applicable railroad company]*, in accordance with 23 CFR § 650, Subpart B, shall determine whether design features to reduce erosion and minimize sedimentation during and after construction are required.

Visual Resources

- ☐ **There is a change in the existing visual character as a result of the project.**

Note: *Describe the existing visual character using the methodology outlined in FHWA's Visual Impact Assessment for Highway Projects (March 1981). Include a discussion of the visual elements in the landscape such as prominent landforms, landmarks, land use patterns, vegetation, development architectural character and density, and water features, as appropriate, that are located in the foreground. Distant view of landforms and/or landmarks may also be noted. Discuss the magnitude ("notable," "substantial," or "severe") of any change in the visual character as a result of the project.*

- ☐ **The project is on an easement from a land managing agency with specific management goals. [Include a brief description of the agency's resource management objectives and state whether or not the objective is achieved. Contact the land managing agency for concurrence.]**
- ☐ **Mitigation measures are needed to avoid or minimize negative scenic effects in the landscape. [List mitigation.]**

Mitigation Measures

Prime or Unique Farmlands

(Farmland Protection Policy Act [7 USC § 4202, Rules, and 7 CFR § 658])

Note: *Contact the Natural Resources Conservation Service to determine whether the farmland is prime or unique, and the appropriate state or local agency to determine whether it has statewide or local importance.*

1. Presence of farmland:

- ☐ Within the project area.
☐ Adjacent to the project area.

2. Type of farmland: ☐ prime ☐ unique ☐ statewide importance ☐ local importance

3. Farmlands impacted by project.

- ☐ No
☐ Yes [*Describe the impacts.*]
• Number of acres removed from farming. _____
• Number of farms operations from which land will be acquired. _____

4. Federally funded projects [*select from the following*]:

- ☐ There is farmland adjacent to the project area, but all construction activities will be within the existing right-of-way.
☐ The farmland adjacent to the project area has already been in, or committed to, urban development or water storage.
☐ Prime or unique farmland will be impacted. [*Process the Natural Resources Conservation Service's Farmland Conversion Impact Rating form and attach.*]
☐ Prime or unique farmland will be impacted in a corridor-type project. [*Process the Natural Resources Conservation Service's Farmland Conversion Impact Rating Form for Corridor Type Projects and attach.*]

5. For state-funded projects for farmland of statewide or local importance, coordination with the state or local agency [*select appropriate one and describe the coordination*].

Mitigation Measures

Archaeological Resources and Historic Properties

1. Survey Data

Survey data. [Provide information on if, when, and where surveys were conducted and reference the report(s).]

2. Archaeological/Historical Sites

- ☐ No sites present.
- ☐ Known archaeological/historical sites occur in the project limits. [List number of sites.]

Description of sites present [DO NOT list milepost locations of specific sites.].

3. Agency/State Historic Preservation Office Determination

Agency/State Historic Preservation Office (SHPO) determination of eligibility and effect.

Signatories to concurrence agreements [list].

Eligible for inclusion in the National Register of Historic Places (NRHP) is based on the following criteria:

Criterion A: significant themes in our nation's history

Criterion B: significant persons in our nation's history

Criterion C: embody distinctive construction characteristics or works of a master

Criterion D: have the potential to contribute information significant to history or prehistory

- ☐ Listed in ARHP/NRHP

Criterion: ☐ A ☐ B ☐ C ☐ D

- ☐ Eligible

Criterion: ☐ A ☐ B ☐ C ☐ D

- ☐ Eligibility not determined

Criterion: ☐ A ☐ B ☐ C ☐ D

- ☐ Ineligible

Agency determination of effect [select one]:

- ☐ No effect
- ☐ No adverse effect
- ☐ Adverse effect
- ☐ No potential to effect

Agency concurrence date[s]:

- ☐ SHPO _____
- ☐ THPO/Tribe [list Tribe(s)] _____
- ☐ USDA FS _____
- ☐ BLM _____
- ☐ Reclamation _____
- ☐ ASLD _____
- ☐ Other _____

Mitigation Measures [Discuss testing, data recovery, additional documentation, flagging/avoidance, and monitoring, as applicable.]

If previously unidentified cultural resources are encountered during activity related to the construction of the project, the contractor shall stop work immediately at that location and shall take all reasonable steps to secure the preservation of those resources. The ADOT Engineer will contact the ADOT Environmental & Enhancement Group, Historic Preservation Team, at 602.712.8636, immediately and make arrangements for proper treatment of those resources.

[For railroad projects, add:] If previously unidentified cultural resources are identified during construction, work will cease at that location and the _____ [applicable railroad company] will arrange for proper treatment of these resources.

Section 4(f) Resources (federally funded project only)

[Section 4(f), of the US Department of Transportation Act of 1966 (as amended and recodified in 1983); 49 USC 303(c); and 23 CFR § 771.135(p)]

Note: *If there is any Section 4(f) use, a Categorical Exclusion is nonprogrammatic and must be signed by FHWA.*

- ☐ **There is a Section 4(f) resource in the project area, but there is no Section 4(f) involvement [discuss].**
☐ **There is Section 4(f) involvement [follow the FHWA 4(f) policy paper and 23 CFR 771.135(p)].**

Type:

☐ public park[s] ☐ recreational land[s] ☐ wildlife and waterfowl refuge(s)

☐ independent bikeway or walkway] ☐ historic bridge ☐ historic site[s]

☐ **The project uses enhancement funds for the restoration, rehabilitation, or maintenance of a historic resource.**

☐ **The project uses enhancement funds for independent bikeway or walkway construction projects. [Conduct analysis in accordance with the FHWA memorandum dated May 23, 1977, "Negative Declaration/Section 4(f) Statement for Independent Bikeway or Walkway Construction Projects."]**

1. A "use" of a Section 4(f) resource, as defined in 23 CFR §771.135(p), occurs: 1) when land is permanently incorporated into a transportation facility; 2) when there is a temporary occupancy of land that is adverse in terms of the statute's preservationist purposes; or 3) when there is a constructive use of land. A constructive use of a Section 4(f) resource occurs when the transportation project does not incorporate land from resources, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. For example, a constructive use can occur when:

a) the projected noise level increase, attributable to the project, substantially interferes with the use and enjoyment of a noise-sensitive facility of a resource protected by Section 4(f);

b) the proximity of the proposed project substantially impairs aesthetic features or attributes of a resource protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the resource. An example of such an effect would be the location of a proposed transportation facility in such proximity that it obstructs or eliminates the primary views of an architecturally significant historical building, or substantially detracts from the setting of a park or historic site which derives its value in substantial part due to its setting; and / or

c) the project results in a restriction on access, which substantially diminishes the utility of a significant publicly-owned park, recreation area, or historic site.

Describe any effects on or uses of land from the property.

[For historic and archeological sites, give the results or status of Section 106 coordination. For other Section 4(f) areas, include or attach statements from officials having jurisdiction over the property that discusses the project effects on the property. A map, sketch, plan, or other graphic, which clearly illustrates use of the property and the project's use and effects on the property, must be included.]

Mitigation Measures

Socioeconomic Resources

1. Residential Property[s] Affected

a. Residential displacements.

☐ No

☐ Yes. Number of displacements _____.

b. Known planned development[s] *[describe]*.

2. Commercial Property(s) Affected

a. Commercial displacements.

☐ No

☐ Yes. Number of displacements _____.

b. Known planned development[s] *[describe]*.

3. Temporary and Permanent Access

Impacts could include nonvehicular access, such as for pedestrians, and impacts to special events, such as fairs and parades.

a. Temporary impacts:

☐ business disruption

☐ access change

☐ parking restrictions

☐ other: _____

b. Permanent impacts

☐ business disruption

☐ access change

☐ parking restrictions

☐ other: _____

c. Temporary impacts to residential neighborhoods *[or individual residents or both—address appropriate ones.]*

d. Permanent impacts to residential neighborhoods *[or individual residents or both—address appropriate ones.]*

e. Temporary changes in traffic service or patterns as a result of the project. *[Address.]*

☐ **Temporary access restrictions/changes. *[Discuss.]***

f. Permanent changes in traffic service or patterns as a result of the project. *[Address.]*

☐ **Permanent access restrictions/changes. *[Discuss.]***

Mitigation Measures

**Arizona Pollutant Discharge Elimination System/
National Pollutant Discharge Elimination System**

- ☐ **The project involves the disturbance of 1 or more acres and an AZPDES or NPDES general permit will be required. *[NPDES applies only on tribal lands.]***
- ☐ There is an impaired or unique water within 0.25 miles of the project.
- ☐ This is a railroad project.
-

Mitigation Measures

Design Responsibilities

The Arizona Department of Transportation Roadside Development Section will determine who will prepare the Stormwater Pollution Prevention Plan.

District Construction Responsibilities

The District Construction office will submit the (Arizona Pollutant Discharge Elimination System or National Pollutant Discharge Elimination System) Notice of Intent and the Notice of Termination to the *[Arizona Department of Environmental Quality or Environmental Protection Agency—select the appropriate one]*.

For Railroad Projects:

Because this project is federally funded, the ____ (applicable railroad company), in accordance with “Title 23, Code of Federal Regulations, Part 650, Subpart B,” shall determine if design features to reduce erosion and minimize sedimentation are required during and/or after construction.

Mitigation Measures

Note: For All Documents

Mitigation is provided on each of the resource sheets and collectively on this page and in the clearance memo.

The ADOT EEG NEPA planner will coordinate mitigation with the appropriate ADOT EEG staff and ADOT District(s) prior to submittal of the draft and final environmental documents.

Include specific mitigation measures.

Separate the mitigation measures as follows:

- Design Responsibilities
- District Construction Responsibilities
- Contractor Responsibilities
- Any other applicable categories

Use the word “attached” for any enclosures that will be included in the special provisions for the project: e.g., *the attached NWP No. 14*.

Use the word “will” when referring to ADOT personnel's responsibilities and the word “shall” when the contractor is to perform a function.

Project Mitigation:

If previously unidentified cultural resources are encountered during activity related to the construction of the project, the contractor shall stop work immediately at that location and shall take all reasonable steps to secure the preservation of those resources. The ADOT Engineer will contact the ADOT Environmental & Enhancement Group, Historic Preservation Team, at 602.712.8636, immediately and make arrangements for proper treatment of those resources.

For Railroad Projects:

If previously unidentified cultural resources are identified during construction, work will cease at that location and the _____ (applicable railroad company) will arrange for proper treatment of the resources.

Relevant Legislation, Regulations, or Executive Orders

Invasive Species

Executive Order 13112, dated February 3, 1999

100-Year Floodplain and Impacts

23 CFR § 650, Subpart A (Title 23 Code of Federal Regulations, Part 650, Subpart A)

Clean Water Act Compliance

Section 404 Permit

2002 Nationwide Permits, January 15, 2003, 67 CFR § 2020; Corrections to 2002 Nationwide Permits, February 13, 2002, 67 CFR § 6692 and February 25, 2002, 67 CFR 8579; Nationwide Permit General Conditions, 33 CFR 325, 330; Special Public Notice, Nationwide Permits for Arizona, US Army Corps of Engineers, Regional Conditions for the Los Angeles District, Arizona Section, April 19, 2002 and Nationwide Permits 6, 12, 14, 18, 39, and 43.

Prime or Unique Farmlands

Farmland Protection Policy Act (7 USC § 4202, Rules, and 7 CFR § 658)

Sole Source Aquifers

Safe Drinking Water Act of 1974, § 1424(e)

Section 4(f) Resources

Section 4(f), of the US Department of Transportation Act of 1966 (as amended and recodified in 1983); 49 USC 303(c); and 23 CFR § 771.135(p)

Title VI/Environmental Justice

Executive Order 12898 and EEG Environmental Justice Guidance

Noise Abatement

23 CFR § 772

Air Quality

40 CFR § 51.460 and 40 CFR § 51.462; Arizona conformity rules “R-18-2-1434” and “R-18-2-1435,” respectively

Arizona State Parks
1300 W. Washington, Phoenix Arizona 85007
PROJECT AGREEMENT

This is a sample of the agreement State Parks will ask successful applicants to execute to receive the grant and start work. Do not submit with the application.

This Agreement is entered into by and between the Arizona State Parks Board (BOARD) and _____ (PARTICIPANT) and becomes effective on the date of signature by the authorized representative of Arizona State Parks.

PROJECT TITLE:			PROJECT NUMBER:		
THIRD PARTY PARTICIPANT'S NAME:			FY OF REVENUE:		
PROJECT PERIOD: From date of last authorized signature: develop = 3 yrs, equip/acquisition = 2 yrs.					
GRANT PROGRAM: Statewide OHV Program (RTP / OHV)	GRANT AMOUNT:	%	PROJECT SPONSOR MATCH:	%	TOTAL PROJECT COST:
APPROVED SCOPE OF WORK AND SPECIAL CONDITIONS: Attachment A					
PRESERVATION SPECIAL CONDITIONS: Attachment B Preservation Agreement [] (does not apply to RTP, LWCF, Preservation Covenant [] LRSP, TRAILS, OHV, LEBSF Special Conditions/3 rd Party [] and GSLA.)					
AUTHORITIES TO ENTER INTO THIS AGREEMENT: (statute, resolution, minutes, etc.) STATUTE: A.R.S. §28-1176E(3) RESOLUTION:					
AWARDING OFFICIAL ON BEHALF OF THE ARIZONA STATE PARKS BOARD: _____ <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">Signature Bill Feldmeier, Interim Executive Director</div> <div style="text-align: center;">Date</div> </div>					
ACCEPTANCE OF ALL TERMS OF THIS AGREEMENT AND ITS ATTACHMENTS IS ACKNOWLEDGED BY THE PARTICIPANT'S SIGNATURE BELOW. _____ Participant's Signature			PARTICIPANT ATTORNEY APPROVAL AS TO FORM AND AS BEING WITHIN THE AUTHORITY OF THE PARTICIPANT. _____ Attorney's Signature		
Name (Typed)			Name (Typed)		
Title			Title		
Date			Date		

General Provisions are attached and are part of this Project Agreement.

Arizona State Parks PROJECT AGREEMENT

This is a sample of the attachment to the agreement State Parks will ask successful applicants to execute to receive the grant and start work. Do not submit with the application.

Attachment A Approved Project Scope and Special Conditions

PROJECT SPONSOR:

PROJECT TITLE:

PROJECT NUMBER:

APPROVED PROJECT SCOPE:

SPECIAL CONDITIONS:

The administration of this grant project agreement is additionally subject to the contents of the "Administrative guidelines for Awarded Grants" published by Arizona State Parks.

Approved Project work shall start no later than the specified project start-up date. Land acquisition, equipment purchase, and studies/reports/assessments must begin within 6 months of the fully executed project agreement. See sections 2.5 and 5.2 of the "Administrative guidelines for Awarded Grants" for more details.

OTHER CONDITIONS:

**PARTICIPANT AGREEMENT GENERAL PROVISIONS - SAMPLE
FOR NONFEDERAL STATEWIDE OHV PROGRAM PROJECTS**

PART I - DEFINITIONS

For purposes of this agreement,

- A. **Advisory Committee** means the Off-Highway Vehicle Advisory Group.
- B. **BOARD** means the Arizona State Parks BOARD, which is the governing body of Arizona State Parks.
- C. **Conversion** means the replacement of grant-funded facilities with new facilities that are of reasonable equivalent usefulness and location as the original.
- D. **Eligible Costs** mean direct costs chargeable to the project grant program such as 1) compensation of hired employees for the time and efforts devoted specifically to the execution of the grant; 2) cost of materials acquired, consumed, or expended specifically for the purposes of the grant; 3) equipment and other capital expenditures; 4) other items of expense incurred specifically to carry out the PARTICIPANT agreement; 5) direct services furnished specifically for the grant program by other agencies.
- E. **Facilities** mean physical improvement and trail development, user and manager education, mitigation of environmental damage, multi-agency policy development and cooperation, acquisition, inventory of existing areas, law enforcement and license/registration program.
- F. **Fund** means the Off-Highway Vehicle Recreation Fund or Recreational Trails Program.
- G. **Guidelines** mean program directives adopted by the BOARD.
- H. **Ineligible Costs** are those costs incurred for a common or joint purpose benefiting more than one cost objective and not readily assignable to the cost objectives of the grant.
- I. **Match** means a specified percentage of the total eligible and direct project cost which may consist of either cash, in-kind contributions, or donations including volunteer time.
- J. **Obsolescence** means that an area or facility may be determined obsolete during the Term of Public Use if (1) reasonable maintenance and repairs are not sufficient to keep the facility or equipment operating; (2) changing needs dictate a change in the type of facilities or equipment provided; (3) operating practices dictate a change in the type of facilities or equipment required; or, (4) the facility or equipment is destroyed by fire, natural disaster, or vandalism. Declaring the facility obsolete means that the PARTICIPANT receives a waiver of the repayment or replacement requirements. No later than 90 days after a facility or equipment is taken out of public use, the PARTICIPANT may request a waiver of repayment or replacement requirements in writing.
- K. **PARTICIPANT** means an eligible applicant that has been awarded a grant.
- L. **Project** means an activity, or a series of related activities, which are described in the specific project scope of work and which result in a specific product(s).
- M. **Project Period** means the period of time during which all approved work and related expenditures associated with an approved project are to be completed by the PARTICIPANT.
- N. **Repayment** means returning grant money to the Fund in the event the PARTICIPANT fails to provide for operation and maintenance of the facilities or equipment during the Term of Public Use. The PARTICIPANT shall reimburse the Fund as follows: 100% of grant funds, 0-5th year; 80%, 6th-10th year; 60%, 11th-15th year; 40%, 16th-20th year; 20%, 21st-25th year. (Note: As an example, the 6th-10th year shall mean from the first day of the sixth year through the last day of the tenth year, beginning with the certified date of completion.)
In lieu of repayment for a facility which is removed from public use prior to the end of the required Term of Public Use, the PARTICIPANT may apply for conversion or obsolescence.
- O. **Staff** means employees of Arizona State Parks.

- P. **Sub-contract** means a direct contract between the PARTICIPANT and another contractor party whereby labor is supplied or work is performed in furtherance of the PARTICIPANT'S responsibilities under this agreement.
- Q. **Term of Public Use** means the time required for public use. The term of public recreational use of the grant-assisted facilities shall be at least:
1. Equipment (personal property) grant investment of more than \$50,000 per item: 25 years
 2. Facilities (real property): 25 years
 3. Land: 99 years - unless obsolescence applies. The Term of Public Use shall begin on the date of completion identified in the Completion Certification Letter.
- R. **Third Party PARTICIPANT** means an entity sponsored by an eligible project PARTICIPANT. More specifically, it includes governmental, private and non-profit units through the terms of a lease, permit, cooperative agreement, or an intergovernmental agreement (ARS § 11-952).

PART II - PERFORMANCE

A. ADMINISTRATION

1. **Conditions** - This agreement is subject to the availability of grant funds and appropriate approvals, and shall be subject to the Constitution of the State of Arizona, the Arizona Revised Statutes, other acts of the Arizona Legislature, executive orders of the Governor, and policies of the BOARD.
2. **Incorporation of Application** - The PARTICIPANT'S approved application for grant funds is incorporated by reference as part of this agreement; however, the terms of this agreement shall take precedence in the event of conflict or ambiguity.
3. **Use of Grant Funds** - Awarded grant funds shall be used solely for eligible purposes of the funding program as defined by statute and as approved by the BOARD.
4. **Transfer of Grant Funds** - Awarded grant funds shall be transferred to the PARTICIPANT through reimbursement of approved expenditures and through advances, on a case by case basis.
5. **Grant Retention** - Ten percent (10%) of the grant amount will be retained from reimbursement until Staff notifies the PARTICIPANT in writing that the project is officially closed and completed.
6. **Grant Accountability** - Grant funds shall be managed separately within the PARTICIPANT'S accounting system which identifies the name and number of the project. The funds shall be expended only as authorized under the terms of this agreement.
7. **Accomplishment of Project** - The project shall be accomplished according to the terms of this agreement and applicable State laws.
8. **Amendments** - This agreement may be amended in writing by the parties of the agreement upon written request of the PARTICIPANT and good cause shown, to adjust the project period, project costs, specific project scope items, or other specified adjustments to the agreement.
9. **Use of Project** - Project accomplishments shall be open or available to the public as specified in this agreement.
10. **Special Conditions** - Special conditions to this agreement shall be binding upon and inure to the benefit of the successors and assigns of each of the parties to this agreement. Breach of any condition shall be enforceable by specific performance or shall justify the BOARD to seek recovery of all funds granted.
 - **Operation and Maintenance** - The PARTICIPANT shall operate and maintain, or cause to be maintained for public use or enjoyment, grant funded facilities for at least the period of time specified in this agreement. Should the grant funded capital improvements be unavailable for public use or enjoyment during the Term of Public Use, Staff shall pursue appropriate remedies. Remedies may include a declaration of obsolete facilities, a conversion, or repayment of the Fund.
 - **Conversion** - No land or facilities acquired or developed with Off-Highway Vehicle Recreation Fund assistance shall, without the approval of the BOARD, be converted to other than public

use during the Term of Public Use. The BOARD shall approve such conversion only if it finds the replacement property to be in accord with the current Off-Highway Vehicle Recreation Fund statute. Conversions shall require the substitution of other properties of at least equal fair market value and of reasonably equivalent usefulness and location. The replacement property shall then become subject to this agreement. In lieu of conversion, the PARTICIPANT may repay the Off-Highway Vehicle Recreation Fund or apply for a declaration of obsolescence.

In the event the BOARD provides grant assistance for the acquisition and/or development of real property subject to reversionary interests, with full knowledge of those reversionary interests and with written notice of those reversionary interests, conversion of said property to other than public uses as a result of such reversionary uses being exercised is approved. The PARTICIPANT shall notify the BOARD of the conversion as soon as possible and shall seek approval of replacement property in accord with the conditions set forth in this agreement. The PARTICIPANT further agrees to accomplish such replacement within a reasonable time, acceptable to the BOARD, after the conversion of the property occurs. This paragraph also applies to (1) leased properties acquired and/or developed with Off-Highway Vehicle Recreation Fund assistance, where such lease is terminated prior to its full term pursuant to lease provisions known and agreed to by the BOARD, and (2) properties subject to other outstanding rights and interests known to and agreed to by the BOARD.

B. RESPONSIBILITY FOR THIRD PARTY AGREEMENTS

The PARTICIPANT sponsoring a third party to this agreement shall be responsible for compliance with provisions of this agreement in the event of third party default for the remainder of the term, or shall reimburse the Fund, apply for obsolescence, or apply for a conversion.

C. RELATIONSHIP OF PROJECT COSTS TO THE PROJECT PERIOD

Except for pre-agreement costs approved by the BOARD, only those costs associated with approved project work incurred during the project period shall be eligible for reimbursement according to the terms of this agreement. Combined pre-agreement and design & engineering costs shall not exceed 10% of the approved grant award.

D. ACQUISITION

Values of property purchased with grant assistance shall be appraised by a State Certified Appraiser according to the Uniform Standards of Professional Appraisal Practice. This appraisal shall be prepared within one year prior to the acquisition. Grant participation shall be according to the grant award amount, the approved market value, or the purchase price, whichever is less.

E. PROCUREMENT AND DEVELOPMENT

Procurement transactions, including those involving professional services, materials, and construction, shall be accomplished according to the PARTICIPANT'S procurement standards.

F. SUB-CONTRACTS

1. Sub-contracts awarded to accomplish approved project work shall incorporate, by reference, in each sub-contract the provisions of this agreement. The PARTICIPANT shall bear full responsibility for acceptable performance under each sub-contract.
2. The PARTICIPANT shall pay any claim of a sub-contractor or other employed individual performing work on this project for services pursuant to this agreement when due. If the PARTICIPANT is subject to A.R.S §34-221, payment is due when required pursuant to A.R.S. §34-221.
3. Unless the PARTICIPANT is a State agency, the PARTICIPANT shall indemnify and hold the State of Arizona and the BOARD harmless from any claim for services pursuant to this agreement, or damages relating thereto, of a sub-contractor or other employed individual performing work on this project.

4. Any sub-contract for employment by the PARTICIPANT shall be in writing and shall contain a provision whereby a person so employed or with whom a sub-contract has been entered, acknowledges that the State of Arizona and the BOARD shall not be liable for any costs, claims, damages, reimbursement, or payment of any kind relating to such sub-contract.

G. PROJECT REPORTING, REVIEWS, AND ON-SITE INSPECTIONS

1. The PARTICIPANT agrees to submit a project status report not less than quarterly. The status report will include at a minimum the following: (a) progress in completing the approved scope of work; and (b) any problems encountered and solutions to problems regarding completion of the project. Failure to submit the reports will result in delays in grant reimbursement or advance processing. The PARTICIPANT further agrees to consult with Staff, as needed, to review progress. The Staff reserves the right to review the progress of the project and to conduct on-site inspections, as applicable and as needed, at any reasonable time during the project period or required Term of Public Use to assure compliance with the terms of this agreement.
2. The PARTICIPANT shall certify compliance with the PARTICIPANT Agreement every five years, until the end of the Term of Public Use, on a form to be provided by the BOARD. In addition, on-site inspections shall be conducted periodically at the discretion of the BOARD. The following points shall be taken into consideration during the inspection of properties that have been acquired or developed with grant assistance: retention and use, appearance, maintenance, management, availability, environment, signing, and interim use.

H. PROJECT INCOME AND EARNED INTEREST

Income and/or interest generated from funds transferred to the PARTICIPANT during the project period shall be used to further the purposes of the approved project. Funds advanced, but not spent to complete the project, shall be returned to the BOARD at the completion of the project. Pursuant to Part II, Paragraph I of this agreement, the PARTICIPANT shall own all rights in the materials produced with project funds.

I. PRODUCT OR PUBLISHABLE MATTER OWNERSHIP

The PARTICIPANT shall have ownership of products or publishable matter produced with grant assistance with the understanding that the BOARD reserves nonexclusive license to use and reproduce, without payment, such materials. This paragraph is not applicable to architectural or engineering plans produced with grant assistance.

J. FUND SOURCE RECOGNITION

The PARTICIPANT agrees to permanently and publicly acknowledge grant program(s) that assisted project accomplishments (including, but not limited to, final documents, audio-visual recordings, photographs, plans, drawings, publications, advertisements and project plaques). At a minimum, this acknowledgment shall include the following: "This project was financed in part (or in full) by a grant from the Off-Highway Vehicle Recreation Fund administered by the Arizona State Parks Board."

K. PROJECT COST VERIFICATION

The PARTICIPANT agrees to submit project expenditure documents to Staff for verification or audit purposes upon request.

L. TRANSFER OF CONTRACTUAL RESPONSIBILITY

The PARTICIPANT may transfer contracted responsibilities under the terms of this agreement to another eligible PARTICIPANT provided that approval has been granted by the BOARD prior to the transfer.

PART III - COMPLIANCE

A. ANTI-TRUST

Vendor and purchaser recognize that, in actual economic practice, overcharges from anti-trust violations are borne by purchaser. Therefore, the PARTICIPANT hereby assigns to BOARD any and all claims for such overcharges.

B. ARBITRATION

To the extent required pursuant to A.R.S. § 12-1518 and any successor statute, the parties agree to use arbitration, after exhausting all applicable administrative remedies, to resolve disputes arising out of this Agreement.

C. INDEMNIFICATIONS AND CLAIMS AGAINST THE STATE

Unless the PARTICIPANT is a State agency, the PARTICIPANT shall indemnify, save and hold harmless the BOARD, and the State of Arizona, its agents, departments, officers and employees from all claims, losses, damages, liabilities, expenses, costs, and charges incident to or resulting in any way from any injuries or damage to any person or any damage to any property caused by or resulting from the issuance of or the performance of services rendered as a part of this Agreement, except those claims, losses, damages, liabilities, expenses, costs, and charges arising from the sole negligence of the BOARD, the OHVAG, or the State of Arizona, its agents, departments, officers, or employees.

D. NON-DISCRIMINATION -- EMPLOYMENT

The PARTICIPANT agrees to comply with the provisions of Executive Order Number 99-4, issued by the Governor of the State of Arizona relating to nondiscrimination in employment, which by reference is incorporated herein and becomes a part of this Agreement.

E. ARIZONANS WITH DISABILITIES ACT OF 1992 AND AMERICANS WITH DISABILITIES ACT

The PARTICIPANT shall comply with all applicable provisions of the Arizonans with Disabilities Act of 1992, A.R.S. §41-1492, et. seq. and the Americans with Disabilities Act, (Public Law 101-336, 42 U.S.C. 12101-12213 and 47 U.S.C. §225 and 611), and applicable state rules and federal regulations under the Acts (28 CFR Parts 35 and 36).

F. RECORDS RETENTION AND AUDITS

1. Complete financial records and all other documents pertinent to this Agreement shall be retained by the PARTICIPANT and made available to the Staff, if requested, for review and/or audit purposes for a period of five (5) years after project closure.
2. The PARTICIPANT may substitute microfilm copies in place of original records, but only after project costs have been verified.

G. STATE CONTRACT CANCELLATION

1. The State or its political subdivisions or any department or agency of either may cancel this contract, without penalty or further obligation pursuant to A.R.S. §38-511.
2. Every payment obligation of the BOARD under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated or appropriated for the continuance of this Agreement, this Agreement may be terminated by the BOARD at the end of the period for which the funds are available. No liability shall accrue to the BOARD or the State of Arizona in the event this provision is exercised, and the BOARD shall not be obligated or liable for any future payments or for any damages resulting as a result of termination under this paragraph.

H. REMEDIES

1. The BOARD may temporarily suspend grant assistance obligated to the project pending required corrective action by the PARTICIPANT or pending a decision to terminate the grant by the BOARD.
2. The PARTICIPANT may unilaterally terminate the PARTICIPANT Agreement at any time before the first payment on the Project. After the initial payment, the PARTICIPANT Agreement may be terminated, modified, or amended by the PARTICIPANT only by written mutual agreement of the parties.

3. The BOARD may terminate the PARTICIPANT Agreement in whole, or in part, at any time before the date of completion, whenever it is determined that the PARTICIPANT has failed to comply with the terms or conditions of the grant. The BOARD will promptly notify the PARTICIPANT in writing of the determination and the reasons for the termination, including the effective date. All payments made to the PARTICIPANT shall be recoverable by the BOARD under a PARTICIPANT Agreement terminated for cause.
4. The BOARD or PARTICIPANT may terminate the PARTICIPANT Agreement in whole, or in part, at any time before the date of completion, when both parties agree that the continuation of the Project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The PARTICIPANT shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The BOARD may allow full credit to the PARTICIPANT for the grant share of obligations properly incurred before the effective termination date and which cannot be canceled.
5. Termination either for cause or for convenience requires that the Project in question be brought to a state of public usefulness to the terms set forth by the BOARD; otherwise, all funds provided by the BOARD shall be returned to the BOARD.
6. The BOARD may require specific performance of the terms of this agreement or take legal steps necessary to recover the funds granted if the PARTICIPANT fails to comply with the terms of the grant or breaches any condition or special condition of the PARTICIPANT Agreement.
7. The remedies expressed in this Agreement are not intended to limit the rights of the BOARD. This Agreement shall not in any way abridge, defer, or limit the BOARD'S right to any right or remedy under law or equity that might otherwise be available to the BOARD.

I. CULTURAL RESOURCES

The PARTICIPANT agrees to meet the requirements of the State Historic Preservation Act (ARS §41-861 to 41-864) before project initiation.

J. COMPLIANCE WITH FEDERAL IMMIGRATION LAWS AND REGULATIONS RELATING TO THE HIRING OF UNAUTHORIZED WORKERS.

The PARTICIPANT agrees to meet the compliance requirements for A.R.S. § 41-4401 , Government Procurement: E-Verify Requirement.

1. The contractor warrants compliance with all Federal immigration laws and regulations relating to employees and warrants its compliance with Section A.R.S. § 23-214, Subsection A. (That subsection reads: "After December 31,2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program.)
2. A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.
3. Failure to comply with a State audit process to randomly verify the employment records of contractors and subcontractors shall be deemed a material breach of the contract and the contractor may be subject to penalties up to and including termination of the contract.
4. The State Agency retains the legal right to inspect the papers of any employee who works on the contract to ensure that the contractor or subcontractor is complying with the warranty under paragraph 1.

Acceptance of all terms and conditions of this agreement and its attachments is acknowledged by the PARTICIPANT'S signature on the cover sheet of this agreement.

10/06/08